United Nations A/AC.109/2006/SR.7

General Assembly

Distr.: General
18 July 2006

Original: English

# Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

**Summary record of the 7th meeting**
Held at Headquarters, New York, on Friday, 9 June 2006, at 10 a.m.

*Chairman*: Mr. Hunte ..... (Saint Lucia)

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06-38112 (E)

*The meeting was called to order at 10.30 a.m.*

**Adoption of the agenda**

1. *The agenda was adopted.*

2. *The meeting was suspended at 10.30 a.m. and resumed at 11.20 a.m.*

**Requests for hearing** (aide-memoire 03/06/Add.2)

3. **The Chairman** drew attention to the requests for hearing concerning the question of Puerto Rico contained in aide-memoire 03/06/Add.2. He took it that the Committee wished to approve the requests.

4. *It was so decided.*

**Question of sending visiting missions to Territories** (*continued*) (A/AC.109/2006/L.6/Rev.1)

5. **The Chairman** drew attention to draft resolution A/AC.109/2006/L.6/Rev.1, incorporating amendments proposed at the Committee's 4th meeting.

6. **Mr. Benitez-Verson** (Cuba) said he was pleased to see that several of the amendments put forward by his delegation had been included in the draft resolution. However, his delegation had requested detailed information from the Secretariat regarding invitations sent by Territories indicating their willingness to receive a visiting mission by the Committee and the reasons why those missions had not taken place. His delegation could not adopt a final position on the draft resolution until it had received the information requested.

7. **Mr. Cherniavsky** (Secretary of the Committee) said that he had been able to identify certain documents which might be construed as invitations from Territories. In the year 2000 a letter had been received from the Governor of Guam indicating Guam's willingness to hold a regional seminar combined with a visiting mission. The Secretariat would make that letter available to Committee members. In 1998, during the regional seminar held in Fiji, the Governor of American Samoa had invited the Committee to visit the Territory, but had not referred specifically to a visiting mission. The Committee had construed his words as an invitation to visit the Territory, and some Committee documents had referred to the invitation.

8. In 1996, the legislature of Guam had adopted a resolution specifically inviting the Committee to send a mission and, at the initiative of the representative of Cuba, the Committee had inserted a paragraph in the relevant resolution asking the Chairman to conduct the necessary negotiations with the administering Power. The paragraph had been included in the relevant resolution between 1996 and 2002. However, since the administering Power had never given its approval to a visiting mission to Guam, the Committee had decided to drop the paragraph from the resolution. He had been unable to locate the letter sent to the Committee by the United States Virgin Islands; however, the administering Power had indicated its disapproval of such a mission.

9. References to the sending of missions were often made by Territories at various regional seminars, but those did not constitute formal invitations. He would continue to look for information about any invitations sent to the Committee and would share that information with the Committee.

10. **Mr. Benitez-Verson** (Cuba) said he would have preferred to receive the information from the Secretariat in writing during the Committee's informal consultations in order to facilitate a broader exchange of views. However, since there was very little time available to the Committee, his delegation would not, for the time being, press the matter further.

11. **The Chairman** said that the Committee had always conducted visiting missions whenever possible, provided that the proper procedures were followed. In nearly all cases in which a visiting mission had not been conducted, it was because the administering Power had expressed its opposition.

12. *Draft resolution A/AC.109/2006/L.6/Rev.1 was adopted.*

13. **Mr. Benitez-Verson** (Cuba) said that his delegation had joined in the adoption of the draft resolution, but felt that it should have clearly reflected his delegation's concern about cases in which, although an invitation had been received from the Non-Self-Governing Territories, no visiting mission had taken place owing to the lack of cooperation from the relevant administering Power. Since the draft resolution referred clearly to those administering Powers which did cooperate, his delegation would have preferred that it also refer to those which did not cooperate fully. The obligations of administering Powers were clearly set out in the Charter of the United Nations. His delegation once again urged the

administering Powers to cooperate with visiting missions, which were a very effective means of assessing the situation in the Territories and ascertaining the wishes of the people regarding their future status.

14. **Mr. Maleki** (Islamic Republic of Iran) said that his delegation had suggested an amendment to the second line of the third preambular paragraph of draft resolution A/AC.109/2006/L.6/Rev.1 to the effect that the words "and increasing public awareness about the right of the people to self-determination" should be inserted before the words "in those Territories". The amendment had been approved during the Committee's informal discussions, but had not been reflected in the adopted text. His delegation would therefore introduce the amendment at the Committee's next session.

**Other matters**

*Tokelau referendum on free association with New Zealand*

15. **Ms. Takaku** (Papua New Guinea) recalled that the Ambassador of Papua New Guinea to the United Nations had participated in the Tokelau referendum on self-government in free association with New Zealand, as the representative of the Committee.

16. The referendum to determine Tokelau's future status had taken place from 11 to 15 February 2006. Tokelau's national representative body, the General Fono, had agreed that an overall majority of two thirds, or 66 per cent, of valid votes cast would be required for a change in Tokelau's status. The threshold had been set at that level because the decision sought under the referendum had posed an extremely important question which could not have been resolved with a lower threshold.

17. A total of 584 voters had turned out, but only 60 per cent had voted in favour of free association with New Zealand. The entire polling process had been universally praised, and every step of the process had been professionally conducted. Although the outcome had left 60 per cent of voters deeply disappointed, the people of Tokelau had gained a greater awareness of the various issues relating to self-determination. The international community should be assured that the referendum process had not been a wasted opportunity, but one which could be built upon in the future.

18. The vote was regarded as one step in a process towards self-determination. Although the Tokelauan Council for Ongoing Government had requested that New Zealand should leave the referendum package open for possible future consideration, two of the three atolls that made up Tokelau, Fakaofo and Nukunonu, had since decided that they wished to revisit the self-determination issue before the current New Zealand Government completed its term in September 2008. Her delegation looked forward to hearing of any possible new developments from the Ulu-o-Tokelau and the New Zealand Administrator when they joined the Committee during the current session. Her delegation believed it was absolutely imperative that the United Nations and the Committee should continue to assist Tokelau.

*The meeting rose at 11.45 a.m.*

United Nations A/AC.109/2006/SR.8

General Assembly

Distr.: General
18 July 2006

Original: English

# Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

**Summary record of the 8th meeting**
Held at Headquarters, New York, on 12 June 2006, at 10 a.m.

*Chairman*: Mr. Hunte ..... (Saint Lucia)

## Contents

Adoption of the agenda

Special Committee decision of 13 June 2005 concerning Puerto Rico (*continued*)

*Hearing of petitioners*

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06-38302 (E)

*The meeting was called to order at 10.30 a.m.*

**Adoption of the agenda**

1. *The agenda was adopted.*

**Special Committee decision of 13 June 2005 concerning Puerto Rico** *(continued)*
(A/AC.109/2006/L.3 and A/AC.109/2006/L.7)

2. **The Chairman** informed the Committee that the delegation of Panama had indicated its wish to participate in the Committee's consideration of the item. In accordance with established practice and since there were no objections, he invited the delegation of Panama to take a place at the Committee table.

*Hearing of petitioners* (Aides-memoires 03/06 and Add.1 and 2)

3. **The Chairman** said that the number of requests for hearing received by the Committee was double that of 2005. The Committee had studied the report of December 2005 of the inter-agency Task Force on Puerto Rico's Status designated by the President of the United States of America, which presented certain perspectives on the evolution and future options of Puerto Rico. It had also reviewed the report of the United States Congressional Research Service of June 2005 entitled "Political Status of Puerto Rico: Background, Options and Issues in the 109th Congress", which also shed light on contemporary views on the matter. More recently, it had reviewed the various items of legislation before the United States House of Representatives concerning the political evolution of Puerto Rico and had noted with interest the views expressed during the hearings held before the House of Representatives Committee on Resources in April 2005.

4. He informed the Committee that the Bolivarian Republic of Venezuela had joined in sponsoring the draft resolution submitted by the delegation of Cuba (A/AC.109/2006/L.7).

5. *At the invitation of the Chairman, Mr. Fontanet Maldonado (Colegio de Abogados de Puerto Rico) took a place at the petitioners' table.*

6. **Mr. Fontanet Maldonado** (Colegio de Abogados de Puerto Rico) said that it was more urgent than ever before that the Special Committee recommend that the question of Puerto Rico be referred to the General Assembly, and that it should also promote a constitutional assembly on status as the appropriate mechanism to bring about Puerto Rico's decolonization.

7. Recent events demonstrated clearly the lack of willingness on the part of the United States Government to address the issue with due seriousness and in accordance with applicable international legislation. The only meaningful contribution of the report of the inter-agency Task Force on Puerto Rico's Status to the discussion on the question of Puerto Rico had been its affirmation that Puerto Rico remained a territory subject to United States congressional authority under the Territorial Clause of the United States Constitution. The proposal contained in the report for a plebiscite on the territorial status of Puerto Rico was unacceptable, since it implied that the process of decolonization would be launched in the United States Congress rather than in Puerto Rico, and did not envisage any non-colonial or non-territorial alternatives to the status quo that would be acceptable under international law. A new or amended bilateral compact of association or pact was not a viable alternative. It was also objectionable that any dispute or claim arising from the conduct of the plebiscite would fall exclusively within the competence of the United States Federal Court rather than that of Puerto Rico's national courts.

8. There had been a number of recent incidents in which the Federal Bureau of Investigation (FBI) had violated the civil and human rights of Puerto Ricans, including the assassination by FBI agents of pro-independence leader Mr. Filiberto Ojeda Rios on 23 February 2005, on which occasion lawyers, doctors and journalists had been refused access to the scene of the incident. In February 2006, the FBI had executed search warrants on the homes and businesses of persons active in religious, social, community and political movements. As a result, property had been destroyed, persons had been physically attacked and lawyers had been prevented from carrying out their work. FBI agents had physically attacked journalists who had been covering the event, thus limiting the dissemination of information concerning the actions of the FBI during that operation. Efforts by the Government of Puerto Rico to bring those responsible to justice had been repeatedly obstructed by the United States Government.

9. The Puerto Rican people were weary and indignant of the political situation in Puerto Rico, which was a matter of shame for the international community, particularly given that the period 2001-2010 had been declared the Second International Decade for the Eradication of Colonialism.

10. *Mr. Fontanet Maldonado withdrew.*

11. *At the invitation of the Chairman, Mr. Ortiz Guzmán (Organización Autonomista Pro Estado Libre Asociado de Puerto Rico (PROELA)) took a place at the petitioners' table.*

12. **Mr. Ortiz Guzmán** (Organización Autonomista Pro Estado Libre Asociado de Puerto Rico (PROELA)) said it was regrettable that the Committee had not yet taken the necessary steps to set in motion the process of decolonization of Puerto Rico. The 24 resolutions adopted by the Committee in relation to the issue had failed to lead to any concrete steps by the United States of America towards decolonization. Firm and prompt action was required in order to attain the goals set out under the Charter of the United Nations and to ensure that the United States of America complied with its obligations before the international community. To that end, his delegation requested the Committee to send a mission to Puerto Rico, inter alia to conduct public hearings, thus enabling the Committee to verify the situation on the ground.

13. Any process to resolve the question of status should originate from the people of Puerto Rico and any solution to the problem must be conceived within the framework of the United Nations and in conformity with the right to self-determination. In that regard, his organization reiterated its support for a constitutional assembly on status.

14. Fresh and unequivocal evidence had emerged that the United States of America was hindering Puerto Rico's sustainable economic, political and social development by preventing it from joining international organizations, even in the capacity of observer. In view of the precarious economic and social situation of Puerto Rico, that evidence must be taken into account in discussing and adopting a new resolution, and to that end he was submitting the relevant documents to the Committee for its consideration. He called on the Committee to take immediate action to refer the question of Puerto Rico to the General Assembly for comprehensive consideration.

15. *Mr. Ortiz Guzmán withdrew.*

16. *At the invitation of the Chairman, Mr. Martin-García (Partido Independentista Puertorriqueño) took a place at the petitioners' table.*

17. **Mr. Martín-García** (Partido Independentista Puertorriqueño) welcomed the participation in the Committee's meeting of representatives of the Conferencia Permanente de Partidos Políticos de América Latina y el Caribe (COPPAL) and the Comité para América Latina y el Caribe de la Internacional Socialista (CALCIS), which represented a decisive step towards the engagement of virtually all political forces in the region in the struggle for the decolonization and independence of Puerto Rico. He also welcomed the consistent and sustained efforts of the Cuban delegation over the decades, which had enabled the Committee to play a key role in the fight for Puerto Rican decolonization and independence.

18. He commended the Committee for taking note, in the seventh preambular paragraph of the draft resolution (A/AC.109/2006/L.7), of the December 2005 report of the inter-agency Task Force on Puerto Rico's Status designated by the President of the United States of America, since that report reflected the Committee's efforts over the years to affirm its jurisdiction over the question of Puerto Rico as a colony and to proclaim the inalienable right of the Puerto Rican people to self-determination and independence, in spite of often difficult circumstances created by pressures exerted by the United States Government.

19. His organization welcomed the new wording of the draft resolution as an important initial step towards comprehensive consideration of the question of Puerto Rico by the General Assembly within a reasonable time frame. It was encouraging that the United States of America had acknowledged Puerto Rico as a non-self-governing territory. In that regard, it should be noted that steps towards decolonization had been hampered not only by the United States Government but also by certain elements among the leadership of the ruling party of the Puerto Rican Government who sought to maintain the status quo in order to protect their own political and economic interests and therefore attempted to place obstacles in the path of any initiative that might set in motion a process of genuine change.

20. While the convocation of a constitutional assembly on status was a welcome step forward, any alternatives proposed must conform to applicable international law. The constitutional assembly on status must not defend the ruling party in its attempt to present Puerto Rico's current status of subordination — which it refused to recognize as colonial — as a legitimate option. In view of the new position adopted by the United States of America, such an attitude of servility constituted an unprecedented act of submission. Colonialism in Puerto Rico violated the basic human rights and democratic principles of Puerto Ricans, and increasingly acted as an economic straitjacket that perpetuated their underdevelopment and marginalization, as amply reflected by the country's current fiscal crisis and economic regression.

21. *Mr. Martín-García withdrew.*

22. *At the invitation of the Chairman, Ms. Centeno Rodríguez (Puertorriqueños en Defensa del Patrimonio Nacional) took a place at the petitioners' table.*

23. **Ms. Centeno Rodríguez** (Puertorriqueños en Defensa del Patrimonio Nacional) drew attention to recent and pending United States legislation that authorized the United States of America inter alia to exploit Puerto Rico's natural resources and conduct scientific experiments on Puerto Rican territory that would have a negative impact on the environment. Her organization condemned the fact that Puerto Rico had not been consulted regarding the legislation, and that those laws pending authorized the use of Puerto Rican territory for the production, storage, testing and decommissioning of nuclear weapons and their components, including at unsupervised facilities, thus violating Puerto Rico's right to refuse such facilities and contravening articles I and III of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

24. She urged the Committee to take action to end the degrading and inhuman treatment and violation of the human rights of Puerto Ricans by the United States of America. Such action would benefit all peoples at threat from colonialism and vassalage. She urged the Committee to refer the question of Puerto Rico to the General Assembly and to send a special mission to Puerto Rico to assess the scientific experiments that were being conducted, prevent further violations of international treaties and encourage the prompt transition of Puerto Rico to full independence.

25. *Ms. Centeno Rodríguez withdrew.*

26. *At the invitation of the Chairman, Mr. Rivera Reyes (Colectivo Autonomista Puertorriqueño) took a place at the petitioners' table.*

27. **Mr. Rivera Reyes** (Colectivo Autonomista Puertorriqueño) said that the events surrounding the approval of Puerto Rico's Constitution, in 1952, and the creation of the Free Associated State of Puerto Rico had undeniably been marks of political progress. Since that time, however, the administering Power had taken no discernible steps to comply with the right of peoples to self-determination, set forth in General Assembly resolutions 1514 (XV) and 2625 (XXV). Consequently, halfway through the Second International Decade for the Eradication of Colonialism, the people of Puerto Rico had still not been given the opportunity to assert that right.

28. In the United States Congress, committees of both legislative chambers were working on draft legislation that once again sought to pre-empt the will of the Puerto Rican people. At the end of 2005 the White House Task Force on Puerto Rico's Status had concluded that the United States Government could do as it wished with respect to the people of Puerto Rico, including ceding the island to another nation on a unilateral basis.

29. For five decades Puerto Ricans had been calling for a change in their nation's relationship with the United States of America, but they had been greeted with virtual silence. On the few occasions that the United States had broken that silence, it had done so merely to imply its dominion over Puerto Rico, in a direct attack on the sprit and aspirations expressed by the General Assembly in its resolution 748 (VIII) ending the obligation of the United States of America to submit reports on the question of Puerto Rico in accordance with the Charter of the United Nations.

30. His organization therefore wished to make the following recommendations to the Special Committee. First, the Committee's 2006 resolution on the question of Puerto Rico should be submitted to the plenary of the General Assembly. Second, the Committee should appoint a representative committee to hold hearings in Puerto Rico with a view to enhancing the implementation of the Committee's mandate in accordance with paragraph 6 of General Assembly resolution 1654 (XVI). Third, a constitutional assembly on status or other body, established and freely administered by the Puerto Rican people, should be

established to consider the question, and the United Nations should provide relevant advice and technical assistance.

31. *Mr. Rivera Reyes withdrew.*

32. *At the invitation of the Chairman, Mr. Carvajal Moreno (Conferencia Permanente de Partidos Políticos de la América Latina y el Caribe) took a place at the petitioners' table.*

33. **Mr. Carvajal Moreno** (Conferencia Permanente de Partidos Políticos de la América Latina y el Caribe) said that the people of Puerto Rico were an integral and inseparable part of Latin America. In 1979 his organization had adopted a resolution, repudiating the colonial regime under which Puerto Rico suffered and expressing solidarity with its independence. At the beginning of the twenty-first century, the people of Puerto Rico had still not gained full control over their political destiny.

34. Throughout the twentieth century the United States of America had used Puerto Rico's geopolitical situation as the cornerstone of its policies on the southern hemisphere. The independence of Puerto Rico had thus been inconsistent with the geopolitical interests of the United States. However, the current political climate was very favourable to the independence and decolonization of Puerto Rico. With the end of the cold war, Puerto Rico had lost its military value to the United States, which had consequently been forced to rethink its relationship with the island.

35. The Committee should take note of the report of the White House Task Force on Puerto Rico's Status, whose publication in December 2005 had represented the first time that the Administration had publicly and formally acknowledged that Puerto Rico was an unincorporated territory, subject to the full powers of the United States Congress. The report had also proposed that the people of Puerto Rico should be allowed to express themselves democratically in order to end their situation of political subordination.

36. As a result, preliminary steps had been taken in the United States Congress with a view to implementing the recommendations of the Task Force. The United States Administration's recognition of the colonial status of Puerto Rico had vindicated the position of his organization. It was of course for the Puerto Rican people to exercise their right to self-determination and independence, but it was the responsibility of the international community to ensure that they could exercise that right as soon as possible.

37. His organization therefore urged the Committee to adopt a resolution calling on the General Assembly to consider the question of Puerto Rico and reaffirming the inalienable right of its people to self-determination and independence, as well as the obligation of the United States of America to commit itself to the decolonization of the island.

38. *Mr. Carvajal Moreno withdrew.*

39. *At the invitation of the Chairman, Mr. Alfonsín (Comité para América Latina y el Caribe de la Internacional Socialista) took a place at the petitioners' table.*

40. **Mr. Alfonsín** (Comité para América Latina y el Caribe de la Internacional Socialista) said that in April 2006 his organization had unanimously adopted a resolution in support of Puerto Rico's independence. Puerto Rico was a Latin American nation whose independence had been sought by the countries of Latin America since the beginning of the nineteenth century. Only when all Latin American countries had achieved independence and all Latin American territory was under Latin American sovereignty would the aspirations and mandate of their founders be wholly fulfilled.

41. As an Argentine national, he supported Puerto Rico's inalienable right to full independence with the same fervour that he had always supported his country's imprescriptible sovereignty over the Malvinas. Colonialism was by definition contrary to democracy, which was based on the right of citizens to elect those who governed them. The current colonial situation of Puerto Rico was in violation of that right.

42. Despite more than a century of colonial rule by the United States the people of Puerto Rico had always fought to regain their sovereignty. The day was therefore near when Puerto Rico would join the independent nations of Latin America. The Committee must help Puerto Ricans in that endeavour by adopting a resolution reaffirming its inalienable right to self-determination and independence and calling on the General Assembly to consider the colonial situation of Puerto Rico as soon as possible.

43. *Mr. Alfonsín withdrew.*

44. *At the invitation of the Chairman, Ms. Ramos (American Association of Jurists) took a place at the petitioners' table.*

45. **Ms. Ramos** (American Association of Jurists) said that most conflicts in Latin America and the Caribbean were caused by the interventionist and imperialist policies of the United States of America. Her organization was fully committed to the eradication of colonialism and to the inalienable right of the people of Puerto Rico to self-determination and independence. It also supported the draft resolution before the Committee, which should take all necessary steps to ensure that the question of Puerto Rico was taken up by the plenary of the General Assembly.

46. Her organization wished to note a number of acts recently committed by United States security forces in Puerto Rico, including the assassination of independence leader Filiberto Ojeda. Such acts signalled the beginning of a new cycle of political repression and intervention which was in violation of international law on countries and peoples under colonial occupation. The United States of America should free the Puerto Rican citizens imprisoned in United States jails for activities relating to their country's struggle for independence.

47. *Ms. Ramos withdrew.*

48. *At the invitation of the Chairman, Mr. Brás (Causa Común Independendista and Comité Puerto Rico en la ONU) took a place at the petitioners' table.*

49. **Mr. Brás** (Causa Común Independendista and Comité Puerto Rico en la ONU) said that, by sponsoring the draft resolution on Puerto Rico (A/AC.109/2006/L.7), Cuba had once again demonstrated its solidarity with Puerto Rico's struggle. The draft, though somewhat diluted, contained important elements that reflected Puerto Rico's current demands on the United Nations. His organization wished to table three amendments.

50. First, the seventh preambular paragraph should be deleted, for it was incorrect to state that the inter-agency Task Force on Puerto Rico's Status designated by the President of the United States of America had submitted its report on 22 December 2005 and affirmed that Puerto Rico was a territory subject to United States congressional authority. No such report existed. What existed was a draft delivered to the White House by a relatively insignificant group in the executive branch. The United States President had not even read the report, which was the result of blatant manipulation by the most colonialist sector of the United States Government and its supporters in Puerto Rico and an insult to the national dignity of all Puerto Ricans. It would be a huge contradiction if the Committee officially recognized it. It was not the first time that Washington had tried to manipulate the Committee's opinion regarding Puerto Rico. The paragraph in question was, moreover, a contradiction of the preambular paragraphs immediately before and after it.

51. Second, his organization believed it was essential for paragraph 5 to condemn the assassination of Filiberto Ojeda Ríos. It was not enough to express concern; the Committee must strongly condemn the criminal actions of the FBI.

52. Lastly, paragraph 6 should be amended. It was not enough to reiterate the hope that the General Assembly would give comprehensive consideration to the question of Puerto Rico in all its aspects. The resolution needed to express the urgency of doing so. The situation was already an urgent one. There had been 24 Committee resolutions and decisions in 34 years. The United States of America had ignored its repeated calls for the Puerto Rican people's inalienable right to self-determination and independence to be recognized. Representatives of the whole political spectrum had now come together to call on the General Assembly to decide what were the Puerto Rican people's rights today. Not to do so would be to allow the United States to continue to sideline the sovereignty claims of the main colony of today's most powerful empire.

53. *Mr. Brás withdrew.*

54. *At the invitation of the Chairman, Mr. Castillo Morales (Partido Nacionalista de Puerto Rico) took a place at the petitioners' table.*

55. **Mr. Castillo Morales** (Partido Nacionalista de Puerto Rico) said that colonialism was hindering peace and development in his country. His organization called on the Committee to support Puerto Rico's freedom and its right to self-determination in the hope that it could join the United Nations as a Member State in its own right.

56. He urged the United States Government to grant Puerto Rico the right to self-determination and to respect its people's human rights. It should stop its

persecution, arrests, imprisonments and killing of people who campaigned for freedom in Puerto Rico. All Puerto Rican political prisoners should be released, the FBI should stop its surveillance of Puerto Ricans and harassment of independence activists. The United States should confess to the political assassinations it had orchestrated. In particular, those responsible for the murder of Filiberto Ojeda Rios should be brought to trial. The FBI must stop using force and chemical weapons against journalists. The United States should decontaminate all areas of Puerto Rico it had polluted, including Culebra and Vieques.

57. The fate of Puerto Rico depended on the will of the United States Congress, which continued to invoke its Constitutional Territorial Clause to exercise tyranny over Puerto Rico. Puerto Rico's delisting in 1953 had misled the international community; a true act of self-determination in accordance with the provisions of international law had not taken place. When Puerto Rico finally became an independent State, the United States should make considerable reparations for the irreparable damage it had done to the people and territory of Puerto Rico. His organization believed the time had come for the United States to give Puerto Rico its independence. He called on the Special Committee to support that objective.

58. *Mr. Castillo Morales withdrew.*

59. *At the invitation of the Chairman, Mr. Duprey Salgado (Movimiento Autonomista Socialdemócrata de Puerto Rico) took a place at the petitioners' table.*

60. **Mr. Duprey Salgado** (Movimiento Autonomista Socialdemócrata de Puerto Rico) said that his organization had been established in 2006 to advocate free association between the United States of America and Puerto Rico in accordance with the relevant provisions of international law. The organization recognized the important role the Committee had played in defending the rights of the Puerto Rican people to self-determination. His organization's objectives were in line with all the relevant instruments, particularly General Assembly resolutions 1514 (XV) and 1541 (XV).

61. He urged the United Nations to take a more proactive role in resolving the situation of Puerto Rico. That was particularly pressing in the light of recent statements by the United States disparaging the Puerto Rican people's proven desire to exercise their self-determination. The increased influence of the United States Government over Puerto Rico, its insistence on ignoring calls for free association by the people of Puerto Rico, recent developments in international law and models of association between other countries, and the fact that the case still came under the jurisdiction of the Special Committee all proved that the relationship between the United States of America and Puerto Rico was based on the concept of a colony.

62. Draft legislation anticipating the definitive decolonization of Puerto Rico had been drawn up in both the United States of America and Puerto Rico. His organization supported the establishment of a constitutional assembly on status that would give Puerto Ricans a say in their political future, on the condition that all proposals were clearly defined as non-colonial. While Puerto Rico was responsible for conducting its relations with other countries, including the United States of America, the international community had an important role to play in any such deliberations. The General Assembly should therefore re-examine the case of Puerto Rico, a particularly urgent case in the light of recent statements on the issue by the United States Government. He urged the Special Committee to support that recommendation.

63. *Mr. Duprey Salgado withdrew.*

64. *At the invitation of the Chairman, Mr. Ojeda Serrano (Movimiento Independista Nacional Hostiano and Rompiendo el Perimetro) took a place at the petitioners' table.*

65. **Mr. Ojeda Serrano** (Movimiento Independista Nacional Hostiano and Rompiendo el Perimetro) said that, as the son of the murdered activist, Filiberto Ojeda Rios, he had come before the Special Committee to speak on behalf of his family. The extrajudicial execution of an independence advocate was one of the most inhumane and barbaric acts a colonized country could suffer. While there was ample proof that the United States Government had ordered his father's execution on 23 September 2005, official investigations had been inconclusive and all relevant information remained confidential. One could only conclude, therefore, that the truth was being hidden.

66. The whole operation had been carefully planned. According to the autopsy, his father had received a single bullet wound and had been left to bleed to death. Before he died, he had been able to negotiate his wife's life, and he had asked a journalist to save his life, but

that had been denied. The orders were clear, he could not be allowed to live.

67. In the aftermath of the assassination, the United States forces and the FBI had prepared to clamp down on independence fighters. They had assumed that the murder would be met with spontaneous and disorganized violence that would justify a crackdown on the independence movement under the auspices of anti-terrorism. Puerto Ricans had, however, been unanimous in their abhorrence of that brutal act by the United States. His family had urged people to channel their anger into an intelligent, coordinated and unified struggle for independence.

68. As his father had done, he urged the Committee to back the people of Puerto Rico in their struggle for freedom. The time had come to put a stop to the bloodshed, lengthy prison sentences and suffering by defendants of Puerto Rico's right to self-determination. Their freedom of expression and their right to disseminate patriotic sentiment, as well as their right to life, should be respected. Puerto Rico should be able to exercise its right to freedom, to control its economy, diplomatic relations and international trade, and to protect its natural resources and culture. On a personal note, he demanded that the United States Government should stop interfering in his freedom to travel. He was not a criminal or a terrorist; he was the son of a martyr.

69. *Mr. Ojeda Serrano withdrew.*

70. *At the invitation of the Chairman, Mr. Sánchez Rivera (Coordinadora Nacional Rompiendo el Perímetro) took a place at the petitioners' table.*

71. **Mr. Sánchez** (Coordinadora Nacional Rompiendo el Perímetro) said that his organization — a regional group based in western Puerto Rico — had come about following the assassination of Filiberto Ojeda Ríos. Its aims were to denounce his assassination, demand that the necessary investigations be carried out and those responsible charged, and warn pro-independence activists about the political repression that had been unleashed.

72. The western region had always been one of intense activism and patriotism. As a consequence, it had suffered many periods of repression and persecution, all of which were well documented. The region was currently in the throes of one of the worst civil rights crises it had ever known. His organization intended to use all means possible to stop the new wave of repression. Puerto Rico did not deserve another blow to its legitimate aspirations to sovereignty. It was a cause of immense suffering that comrades were in jail in the United States for the crime of militancy. Their disproportionate sentences were an insult and their physical and psychological integrity a matter of grave concern. The actions taken against them were unjustified under United States and international law. Puerto Rico did not want any more abuses, prisoners, martyrs or deaths.

73. Following the assassination of Filiberto Ojeda Ríos, the FBI had begun harassing independence fighters at home and at work. Some they had tried to blackmail, others they had used to relay threats to the whole independence movement. There were reports of aircraft flying over homes, people being followed or photographed, telephone reception being lost, information disappearing from computers, and neighbours and colleagues being questioned. Furthermore, there had been an unnecessarily large police presence at political events and demonstrations. The message was clear: the independence movement was dangerous and must be kept under control. Such actions restricted the freedom of association and expression, and created a climate of unease, uncertainty and vulnerability. Before any decision was taken on Puerto Rico's political future, powers must be fully transferred and repressive forces withdrawn. Those being persecuted included professionals, none of whom had a criminal record.

74. In February 2006, the FBI had raided the homes and offices of six pro-independence activists. Later the same day, it had attacked the press for covering one of the raids. It had refused to cooperate in official investigations into the assassination of Filiberto Ojeda Ríos and the press complaint, and had even withheld the names of the agents involved. It had not allowed the people whose homes and offices were being raided to be present. Their lawyers had been denied access to them and to the judicial order explaining the presumed justification for the raids. According to the Director General of the FBI in Puerto Rico, the raids had been part of an investigation into a complex terrorist plan against public and private property.

75. The independence movement had remained firm and serene in the face of such criminalization and harassment. Its members were not terrorists. They were just normal people who had given their lives to

building their nation. The colonial Government knew it and, despite its timid and belated efforts, had not been able to protect the civil rights of Filiberto Ojeda Ríos, the journalists under investigation or the comrades whose homes had been raided. His organization firmly denounced the United States Government's criminal intentions against the independence movement and called for Puerto Rico's case to be taken up by the General Assembly plenary as soon as possible.

76. *Mr. Sánchez withdrew.*

77. *At the invitation of the Chairman, Mr. Ramos Rosado (ProLibertad Freedom Campaign) took a place at the petitioners' table.*

78. **Mr. Ramos Rosado** (ProLibertad Freedom Campaign) said that his organization had been working to secure the freedom of Puerto Rican political prisoners and for the decolonization of Puerto Rico for the previous 12 years. The organization worked among various communities in the United States of America to educate, organize and mobilize support for those Puerto Ricans whose imprisonment for their political convictions and activities was a human rights violation.

79. The United States of America had taken no measures to implement the Committee's recommendations on Puerto Rico in the Second International Decade for the Eradication of Colonialism. Puerto Rico remained a colony and as such, its people suffered racism, discrimination and exploitation. While United States citizenship had been imposed on Puerto Ricans, they did not enjoy the right to vote in Presidential elections and were not represented in the United States Congress. They were at the mercy of United States foreign and domestic policy and had no control over their economic development. The United States repressed and monitored anyone it regarded as a threat to the colonial status quo. Those who could not be controlled were given lengthy prison sentences, or even assassinated in the case of Filiberto Ojeda Ríos.

80. The Puerto Rican political prisoners' human rights had been violated on several counts. They had been tortured and raped in prison. They had been denied medical treatment, placed in solitary confinement for prolonged periods, and denied the right to visits from family members and lawyers. Many high-profile individuals and organizations had stated that the imprisonment of those Puerto Ricans was a clear case of a human rights violation and supported their release.

81. It was difficult to understand how the United States of America could have fought for its own struggle for independence and self-determination against its colonizing power on the one hand, and yet justified repressing other peoples in Puerto Rico, Iraq, Afghanistan and elsewhere on the other. It was also ironic that the United States often condemned other countries for committing human rights violations, yet had colonized Puerto Rico, installed its military in Vieques and imprisoned or killed those who objected. The United Nations should take immediate action to end the colonial occupation of Puerto Rico. The demands of the people of Vieques should also be met, and all remaining Puerto Rican political prisoners should be released unconditionally.

82. *Mr. Ramos Rosado withdrew.*

83. *At the invitation of the Chairman, Mr. Guadalupe Ortiz (Vieques Sí) took a place at the petitioners' table.*

84. **Mr. Guadalupe Ortiz** (Vieques Sí) said that, during the decades-long struggle over the presence of the United States Navy on the island of Vieques, it had been clearly demonstrated that real power lay not with Puerto Rico's institutions, but with the United States Congress. The Puerto Rican courts had been unable to address the thousands of abuses committed by the Navy, as such abuses were outside their jurisdiction. The colonial legislature was equally pathetic and had no real power. Because of its colonial status, Puerto Rico did not have a government agency or department that could order the Navy to meet the demands of its residents.

85. In 2003, the United States Navy had been forced to leave Vieques. However, its presence was still felt, in the thousands of craters and unexploded bombs, toxins and incidences of cancer, skin diseases and respiratory problems. The Navy managed the so-called environmental clean-up through the Restoration Advisory Board (RAB), which had supposedly been established to facilitate public participation. However, the Board was headed by a military official and he took all major decisions. The Government of Puerto Rico had made no demands for greater participation by its citizens, who had no say regarding decisions.

86. The Navy was in the process of detonating bombs in the open air, despite the objections raised. Scientists had come up with alternative methods, but the Navy refused to use them. Since August 2005, there had been 66 detonations, representing over 20 tons of explosives.

Citizens were not given all the information they requested. He had recently received the following information from the Navy. First, unexploded munitions must be detonated on the spot; however, the Navy itself admitted that smaller munitions were detonated along with larger bombs, instead of in a detonation chamber. Second, according to its own, unsubstantiated data, the particles released into the air did not exceed healthy levels; however, none of the instruments used to measure the air had been placed near the civilian area. Third, measures were taken to prevent accidents among fishermen, including setting up buoys, alerting the coastguard and mounting a small maritime patrol; however, the patrol was conducted during, not before, the detonation. Lastly, the Navy notified the Federal Aviation Authority (FAA), environmental agencies and the municipal government, believing such notification to constitute a public notice; however, it refused to put up public notices in Vieques for fear that people would try to stop detonations through civil disobedience.

87. The Navy was not interested in a clean-up and was using so-called public participation to wear down citizens. By remaining silent, the colonial Government was acting as an accomplice. The Department of Health processed civilian studies on contamination levels very slowly. Neither the Navy nor the Government provided treatment for the sick, specialized medical equipment, or education and community health programmes. The current cancer rate might be as much as 50 per cent higher in Vieques than in the rest of Puerto Rico. He called on the Committee to reiterate its calls for a genuine clean-up in Vieques; the return of all its land; medical treatment for the sick; compensation for those affected by contamination; and the release of a number of patriots. Lastly, he condemned the assassination of Filiberto Ojeda Ríos.

88. *Mr. Guadalupe Ortiz withdrew.*

*Draft resolution A/AC.109/2006/L.7*

89. **Mr. Malmierca Díaz** (Cuba), introducing draft resolution A/AC.109/2006/L.7, said that despite the efforts of the Special Committee, the Puerto Rican people were still unable to exercise their legitimate right to self-determination. Moreover, the administering Power continued to do everything possible to consolidate its economic, political and social dominance over the island, and to assert that it was not appropriate for the Committee to consider the question of Puerto Rico.

90. However, the United Nations had made very clear that it did not support the position of the administering Power, as proven by the many resolutions and decisions adopted over the past 30 years. The Non-Aligned Movement had also repeatedly expressed its solidarity with the Puerto Rican people. The draft resolution expressed the Committee's deep concern at the violent acts recently committed against Puerto Rican independence fighters and urged that an investigation should be carried out. Those acts included the assassination of independence leader Filiberto Ojeda by FBI agents in September 2005.

91. As in previous years, the draft resolution also called for the release of Puerto Rican political prisoners from United States jails and reiterated the hope that the General Assembly would undertake a comprehensive review of the question of Puerto Rico in all its aspects. The need for such a review was becoming increasingly urgent.

92. The draft resolution before the Committee was not an accurate reflection of the position of Cuba and the Bolivarian Republic of Venezuela, which would have preferred to draft certain paragraphs differently and add other highly important elements. In submitting the draft, his delegation had been concerned to achieve consensus. The draft resolution was undoubtedly a step forward compared with resolutions adopted in previous years.

*The meeting rose at 1 p.m.*

United Nations A/AC.109/2006/SR.9

General Assembly

Distr.: General
18 July 2006

Original: English

# Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

**Summary record of the 9th meeting**
Held at Headquarters, New York, on Monday, 12 June 2006, at 3 p.m.

*Chairman*: Mr. Hunte ..... (Saint Lucia)

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06-38308 (E)

*The meeting was called to order at 3.15 p.m.*

**Adoption of the agenda**

1. *The agenda was adopted.*

**Special Committee decision of 13 June 2005 concerning Puerto Rico** (*continued*)
(A/AC.109/2006/L.7 and A/AC.109/2006/L.3)

*Draft resolution A/AC.109/2006/L.7* (*continued*)

2. **The Chairman** invited the Committee to take a decision on draft resolution A/AC.109/2006/L.7 introduced by the sponsors at the previous meeting, and drew attention to the Rapporteur's report on the item (A/AC.109/2006/L.3).

3. **Mr. Maleki** (Islamic Republic of Iran), speaking in explanation of position before the decision, expressed support for the draft resolution and requested that it should be adopted without a vote.

4. *Draft resolution A/AC.109/2006/L.7 was adopted by consensus.*

5. **Ms. Nuñez de Odreman** (Bolivarian Republic of Venezuela), speaking in explanation of position on the draft resolution just adopted, observed that Puerto Rico, with a strong national identity that had endured during the entire period of its colonial occupation, had an absolute right to determine its own path and to choose independence. The United States suppression of the independence movement in Puerto Rico, and its recent killing of Filiberto Ojeda Rios, were acts of aggression against the entire Latin American homeland. The United States must end its repression, free all political prisoners and stop all military activity in Vieques.

6. **Mr. Malmierca Diaz** (Cuba) observed that the Cuban and Puerto Rican struggles for independence had been inextricably linked from the start: they had been mutually supported by their patriots since the 1800s and both countries had faced invasion by a common enemy. Although the resolution just adopted failed to include some points that Cuba had advocated — such as a specific reference to the murder of the pro-independence leader Ojeda Rios, and a call for the consideration of the question of Puerto Rico as a separate item on the agenda of the plenary Assembly — it expressed the general commitment to a brother nation, and was a tribute to its great leaders who had battled for over a century to achieve the nation's right to self-determination and independence.

*Hearing of petitioners* (*continued*)
(Aide memoire 03/06 and Add.1 and 2)

7. **The Chairman** said that a request for hearing from Mr. Eduardo Villanueva Muñoz (Comité de Derechos Humanos de Puerto Rico) had been submitted just before the deadline and had therefore not been included in aide-memoire 03/06/Add.2. He took it that the Committee wished to accede to the request.

8. *It was so decided.*

9. *At the invitation of the Chairman, Ms. Ramirez (United States Citizens from Puerto Rico, Inc.) took a place at the petitioners' table.*

10. **Ms. Ramirez** (United States Citizens from Puerto Rico, Inc.) said that she was the Vice-President of the New Progressive Party, which represented more than 950,000 voters, though the views she would express were entirely her own. It was a misconception that Puerto Rico was self-governing, since the United States Congress applied laws to Puerto Rico without asking for its consent. Puerto Rico, unlike the states of the Union, lacked a voice in Congress because it had only a non-voting delegate there. The Executive Branch of the United States Government, through the President's Task Force, had recommended that Congress should sanction a referendum to ask Puerto Ricans whether they wished to remain under the unilateral control of Congress. However, Congress had not acted on that recommendation.

11. The reasons for the lack of action were clear. Congress was subject to intense lobbying by multinational companies which, despite the havoc wreaked on the local economy as a result of tax loopholes, wished to continue their tax-free business in Puerto Rico and therefore opposed any change to Puerto Rico's territorial status. In fact, the person representing Puerto Rico's territorial Governor and defending its territorial status before the Special Committee was also a private attorney employed by those companies. Moreover, he also spoke for the native territorial elite which, through its ownership of the media, banks and insurance companies, used its economic weight to preserve the status quo, while living standards and social conditions on the island deteriorated.

12. Referendums had been held in 1993 and 1998 to try to achieve non-territorial status for Puerto Rico, but the forces previously mentioned had spent millions of dollars persuading the electorate not to support the proposal. However, no one living on the island now backed the existing territorial status except those who made huge amounts of money out of it.

13. The only solution was for the Special Committee to call on the United States Congress to act immediately to end Puerto Rico's territorial status. The many millions of United States citizens from Puerto Rico did not want independence; rather, they wanted to see a fifty-first star added to the United States flag.

14. *Ms. Ramírez withdrew.*

15. *At the invitation of the Chairman, Mr. Torres Platet (Gran Oriente Nacional de Puerto Rico) took a place at the petitioners' table.*

16. **Mr. Torres Platet** (Gran Oriente Nacional de Puerto Rico) called for the issue of the inalienable right of Puerto Ricans to self-determination and independence to be brought before the General Assembly. The lack of self-determination in Puerto Rico had caused serious economic and political decline and the debt of the colonial administration had imposed great hardship on the Puerto Rican people. Added to that, the impending job losses in the administration were sure to precipitate a social crisis.

17. The United States continued to make false offers to settle the issue of Puerto Rico's political status — the latest of which was the report of the inter-agency Task Force on Puerto Rico's Status — while suffocating the country with high interest rates on its debt, intimidating the proponents of social change, increasing the repression of political prisoners and, in the case of the independence fighter Filiberto Ojeda Ríos, resorting to assassination. The people of Puerto Rico were entitled to play the leading role in a proper process of self-determination.

18. The situation of the Puerto Rican people grew worse every year as the colonial model became increasingly obsolete. The Gran Oriente Nacional therefore reaffirmed the inalienable right of the Puerto Rican people to self-determination and independence; demanded that the United States should recognize the process through which the Puerto Rican people aimed to exercise that right; and demanded the immediate release of the political prisoners Oscar López and Carlos Alberto Torres and an end to repressive action against Puerto Ricans. It also supported the views on draft resolution A/AC.109/2006/L.7 expressed by the representative of Causa Común Independentista and Comité Puerto Rico en la ONU at the previous meeting.

19. *Mr. Torres Platet withdrew.*

20. *At the invitation of the Chairman, Mr. Velgara (Vieques Support Campaign) took a place at the petitioners' table.*

21. **Mr. Velgara** (Vieques Support Campaign) said that the situation in Vieques was the most blatant example of the destruction and devastation characteristic of colonialism. Though the bombing range in Vieques was now closed, the United States Navy continued to do everything in its power to avoid cleaning up the contamination of the land. The military presence remained, as did its political influence. Meanwhile, United States businesses were stealing the future of the people of Vieques for generations to come.

22. The United States Navy had admitted to detonating 20 tons of explosives in Vieques in recent months, releasing large quantities of contaminants into populated areas and the detonations were still continuing. Such activities, in which United States federal agencies and the Puerto Rican colonial Government were complicit, could only be characterized as criminal and genocidal under international law. As a result of contamination, the cancer rate in Vieques was 27 per cent higher than on the main island of Puerto Rico.

23. The four demands of the people of Vieques — demilitarization, decontamination, devolution of the land and development of a sustainable nature in the hands of the people — remained relevant and necessary. Yet the people of Vieques were being displaced and suffering economic deprivation as a result of a corporate land grab. Under the cloak of the war against terrorism, the colonial status of Puerto Rico was being maintained and the dire situation of Vieques was systematically being ignored by the colonizing Power. The people of Puerto Rico were now demanding a fifth "D": decolonization, which was an inalienable right. The people of Vieques and Puerto Rico deserved nothing less.

24. He would have liked to see the draft resolution just adopted condemn the growing repression of the independence movement, including the assassination of Filiberto Ojeda Ríos. He also called for the release of the political prisoners Haydee Beltran, Oscar López Rivera, Alberto Torres, Antonio Camacho Negron and Jose Perez González, who were being held in United States jails. Lastly, he urged the Special Committee to bring the situation of Puerto Rico before the General Assembly so as to focus the attention of the international community on the need for decolonization.

25. *Mr. Velgara withdrew.*

26. *At the invitation of the Chairman, Ms. Brassell (United for Vieques, Puerto Rico) took a place at the petitioners' table.*

27. **Ms. Brassell** (United for Vieques, Puerto Rico) said that, for the past six years, she had been involved in supporting the people of Vieques and campaigning for an end to the contamination of the island resulting from military activity. In turn, the people of Vieques had shown their solidarity with many other people around the world facing similar circumstances. The bombing of Vieques by the United States Navy, which in 1999 had resulted in the death of David Sanes, had been halted three years previously. However, the people of the island were still struggling for the fulfilment of their four demands.

28. The first of those demands was demilitarization: though the bombings had stopped, unexploded ordnance posed the threat of further contamination, placing the lives and health of the people of Vieques at continued risk. With regard to decontamination, the United States Navy continued to deny its responsibility to clean up, while the people of Vieques had been left out of the decision-making process in that regard. Many harmful toxins were still being released into the environment, causing a variety of serious illnesses. In addition, the United States Navy still maintained a relocatable over-the-horizon radar station on Vieques, which was powerful enough to alter weather patterns.

29. With regard to devolution, the people of Vieques had been shut out of decisions about the use of the land, which was now under the control of the United States Fish and Wildlife Service. As for development, the economy of Vieques had deteriorated in the three years since the bombings had stopped. The rush by developers and speculators to buy up property, land and businesses was pricing the people of Vieques out of their homeland. Unemployment was on the increase and many people had no choice but to leave the island.

30. She appealed for the support of the Special Committee and of the whole international community in helping the people of Vieques to achieve their four demands and the peace and justice they deserved.

31. *Ms. Brassell withdrew.*

32. *At the invitation of the Chairman, Mr. Pesquera Sevillano (Movimiento Independentista Nacional Hostosiano) took a place at the petitioners' table.*

33. **Mr. Pesquera Sevillano** (Movimiento Independentista Nacional Hostosiano) said that, since the Movement's last appearance before the Special Committee, the imperialist attitude of the United States towards Puerto Rico had not changed. In September 2005, the independence fighter Filiberto Ojeda Ríos had been killed during a raid carried out by agents of the United States Federal Bureau of Investigation (FBI). Having been shot, Mr. Ojeda Ríos had been denied medical assistance and left to die of his wounds. During further FBI raids on the homes and businesses of known independence fighters in February 2006, physical abuse of members of the press had attracted international condemnation. The FBI had refused to cooperate with a Puerto Rican Government investigation into its actions, effectively stating that its agents were above the law.

34. The economy of Puerto Rico, which was dependent on that of the United States, was bankrupt, and the situation was made worse by the restrictive shipping laws imposed on the country. It was therefore a matter of the utmost urgency to put an end to the colonial system, and he called for the issue to be brought before the General Assembly.

35. Although the Movement supported draft resolution A/AC.109/2006/L.7 in general terms, it was regrettable that the text legitimized the report of the inter-agency Task Force on Puerto Rico's Status, since that report contradicted the established principle that any initiative for the solution of the political status of Puerto Rico should originate from the people of Puerto Rico. Moreover, the report perpetuated the falsehood that annexation was a valid option, contrary to the provisions of General Assembly resolutions 1514 (XV) and 1541 (XV). Paragraph 6 of the draft resolution should have referred to the "urgency" of consideration

of the question of Puerto Rico instead of the "hope" that the General Assembly would consider it. Lastly, the text should have condemned the assassination of Filiberto Ojeda Rios.

36. Reiterating the Movement's support for the creation of a constitutional assembly on status, he called for the immediate release of all Puerto Ricans currently in prison because of their pro-independence activities.

37. *Mr. Pesquera Sevillano withdrew.*

38. *At the invitation of the Chairman, Mr. Bhatia (Puerto Rico Federal Affairs Administration) took a place at the petitioners' table.*

39. **Mr. Bhatia** (Puerto Rico Federal Affairs Administration) said that the report of the inter-agency Task Force on Puerto Rico's Status had been repudiated as an attempt to help those who wished to annex Puerto Rico and make it the fifty-first state, against the will of the majority of the Puerto Rican people. The report ignored decades of judicial precedents in federal courts as well as the international commitments of the United States. Two bills had been presented to the United States Congress as a result of the report, both of which were designed to achieve annexation through deception.

40. The Government of the Commonwealth of Puerto Rico firmly opposed both bills, favouring instead the establishment of a constitutional assembly on status. That mechanism had been recognized by the Special Committee through a number of resolutions and was supported by a large part of Puerto Rican society as well as a growing number of United States congressmen. Two draft bills supporting the establishment of a constitutional assembly on status had been presented, one in the Senate and the other in the House of Representatives.

41. The constitutional assembly on status would comprise delegates elected by the people of Puerto Rico and would propose to the United States Congress a new or amended association convention, the admission of Puerto Rico as the fifty-first state of the Union or a declaration of independence. If Congress approved self-determination, the proposal would then be presented to the people of Puerto Rico for approval through a referendum. If Congress or the Puerto Rican population rejected self-determination, the Government of Puerto Rico would have to convene a new constitutional assembly. The constitutional assembly on status would continue to meet until a proposal for self-determination was adopted by referendum with a joint resolution by the United States Congress supporting the proposal.

42. *Mr. Bhatia withdrew.*

43. *At the invitation of the Chairman, Mr. Nenadich (Consejo Nacional Para la Descolonización) took a place at the petitioners' table.*

44. **Mr. Nenadich** (Consejo Nacional Para la Descolonización) said that the goal of his organization was to achieve self-determination for Puerto Rico in compliance with existing international laws. The organization was comprised of persons from different municipalities and was not affiliated with any political party or organization.

45. In December 2005, the President's Task Force on Puerto Rico's Status had issued a report stating that Puerto Rico was, for the purposes of the Constitution of the United States, "a territory" and therefore subject to congressional authority under the territorial clause of the Constitution. That admission by an official White House committee invalidated General Assembly resolution 748 (VIII), in which it had been determined that Puerto Rico had achieved a new status of self-government and that, in consequence of those constitutional changes, the United States Government would cease to transmit information to the United Nations on that colony. The report contained other statements confirming the colonial status of Puerto Rico; such statements called for the immediate implementation of international law as contained in General Assembly resolution 1514 (XV).

46. The United States Government had a moral obligation to clarify, for the Committee, whether Puerto Rico had ceased to be a colonial Territory under the territorial clause of its Constitution or continued to be a colony subject to congressional authority, as stated in the report. If Puerto Rico continued to be a colony, the United States Government was obliged to comply with existing international law and transfer all powers to the people of that Territory. The Committee was obliged to request the General Assembly to rescind General Assembly resolution 748 (VIII) and the United Nations needed to explain to the world why it had taken 50 years to clarify the misunderstanding. Finally, the United Nations must demand that the United States

Government should immediately free all Puerto Rican political prisoners.

47. In conclusion, the United Nations and the Committee must comply with their own statutes and oblige the United States to withdraw immediately from Puerto Rico. Furthermore, the United Nations should appoint an international commission to supervise the decolonization process and prevent the United States from imposing conditions on Puerto Rico that might impede independence.

48. *Mr. Nenadich withdrew.*

49. *At the invitation of the Chairman, Mr. Estrada (Socialist Workers Party) took a place at the petitioners' table.*

50. **Mr. Estrada** (Socialist Workers Party) said that colonial rule had had brutal consequences for the Puerto Rican people. His party called on the United States Government to immediately release all Puerto Rican independence fighters from United States prisons. A successful fight for the independence of Puerto Rico was in the interest of the vast majority of the people of the United States; as long as Puerto Rico was under Washington's colonial domination, the fighting capacity and solidarity of the working class movement in the United States would be weakened. In fact, working people around the world had a common oppressor and enemy, namely the ruling United States billionaires and their Government.

51. The United States rulers, who lived off the labour and resources of millions around the world, had had the arrogance to tell the Puerto Rican people that independence would only bring them ruin. However, revolutionary Cuba had shown that it was possible to win genuine independence from United States imperialism by taking political power and starting a socialist revolution. The Committee's condemnation of Washington's colonial rule in Puerto Rico would serve the interests of the majority of United States citizens and of all those who were fighting for the right to self-determination.

52. *Mr. Estrada withdrew.*

53. *At the invitation of the Chairman, Mr. Rodriguez Banchs (Frente Socialista de Puerto Rico) took a place at the petitioners' table.*

54. **Mr. Rodríguez Banchs** (Frente Socialista de Puerto Rico) said that it was time to put an end to more than a century of United States colonialism in Puerto Rico. Although the island had achieved a measure of self-government, the United States still controlled critical areas such as defence, international and diplomatic relations, trade and immigration. The power to determine the country's political status also remained in the hands of the United States Government.

55. The report by the inter-agency Task Force on Puerto Rico's Status, which had been made public in December 2005, concluded that Puerto Rico was a "United States territory subject to the will of Congress" and that "Congress could legislate directly on local matters or determine the island's governmental structure". Such statements clearly indicated that the United States had lied to the United Nations in 1953 when it declared that the creation of the Commonwealth had put an end to the colonial relationship between Puerto Rico and the United States.

56. The Frente Socialista de Puerto Rico welcomed the resolution that had been presented and asked that the case of Puerto Rico should be put before the General Assembly as soon as possible; it was crucial that Puerto Rico should be put back on the list of Non-Self-Governing Territories. Finally, the Frente Socialista called for the unconditional release of all persons who had been imprisoned in the United States for political reasons.

57. *Mr. Rodriguez Banchs withdrew.*

58. *At the invitation of the Chairman, Mr. Dalmau Ramírez (Partido Popular Democrático) took a place at the petitioners' table.*

59. **Mr. Dalmau Ramírez** (Partido Popular Democrático), noting that his party had been founded to achieve the self-determination and autonomy of the Puerto Rican people, said that the people, which had maintained its national identity since the early nineteenth century in the face of colonialism, would never stop struggling for democracy. The 1952 Constitution by which Puerto Rico had exercised its sovereign right to establish itself as a Commonwealth in a compact with the United States should not now be used to block any future movement on the question of the political status of the country, which was still being debated, after 50 years.

60. In the three plebiscites on the issue, the Puerto Rican people had favoured neither annexation nor independence but rather autonomy. His own Partido Popular Democrático, rejecting any colonial solution, advocated an expanded Commonwealth based on the principles of sovereignty, association and shared responsibilities with the United States. Even though the United States was committed to respecting the will of the people, in practice it had not facilitated the exercise of self-determination. Indeed, with the recent establishment by the United States President of an inter-agency Task Force on Puerto Rico's Status it seemed to be trying to shift the balance. The report of the inter-agency Task Force put forward a disgracefully anti-democratic agenda devoid of any legal basis that advocated a very limited view of Puerto Rican rights and a very expansive view of United States congressional power.

61. The international community had a responsibility towards Puerto Rico and must act quickly. The time had come to bring the question of Puerto Rico to the plenary Assembly, so that the United States could be made answerable on the matter to the United Nations and so that Puerto Rico could carry the agenda begun in 1952 to its conclusion.

62. His party favoured the establishment of a constitutional assembly to determine the most effective and democratic way of resolving the status issue. It urged the Special Committee to affirm unequivocally the right of the people of Puerto Rico to self-determination; condemn firmly any attempts to violate that right; support the constitutional assembly mechanism, proclaiming that any solution regarding status must come from the people of Puerto Rico; and request that the question of Puerto Rico be discussed in the General Assembly.

63. The Partido Popular Democrático, led by the President and Governor of Puerto Rico, had mapped out a new road towards a solution. The United States must seek an outcome that was in keeping with its honourable democratic tradition and not with a shameful imperialist resurgence. The United Nations as well had the historic duty of furthering a genuine process of self-determination in Puerto Rico.

64. *Mr. Dalmau Ramírez withdrew.*

65. *At the invitation of the Chairman, Mr. Irizarry (Estudiantes de Derecho Hostosianos Pro Independencia) took a place at the petitioners' table.*

66. **Mr. Irizarry** (Estudiantes de Derecho Hostosianos Pro Independencia) said that the United States had not developed normal political relations with Puerto Rico but rather had imposed a brutally repressive colonial regime on Puerto Ricans of all political persuasions. Successive General Assembly resolutions had recognized every nation's right to self-determination, had reaffirmed the inherent right of colonial peoples to struggle by all necessary means at their disposal against colonial powers which suppressed their aspiration for freedom and independence, and had recognized that Non-Self-Governing Territories had a distinct legal status under international law. Consequently, the law students' organization that he represented asked that the General Assembly take up in plenary session the question of Puerto Rico as a colony of the United States.

67. The United States had recently stepped up its historically repressive attempts to crush any popular liberation movement in Puerto Rico, using methods that included political assassination, the bombing of Puerto Rican territory, the exploitation of natural resources, the harsh sentencing of political prisoners, and the involvement of young Puerto Ricans in its wars. Any acts of civil disobedience by young people to protest against United States military activities in Vieques, for instance, or student demonstrations against military recruitment programmes on university campuses had resulted in punitive actions and even unwarranted prison sentences. Unnecessary force had also been brought to bear against public art projects denouncing the Ojeda Ríos assassination. It should be noted that public protest of all kinds — except for political protests against the United States actions — were normally tolerated or ignored by the authorities.

68. Accordingly, since repression was obviously a condition of being a colony, the young people of Puerto Rico had come to realize that there was no other option but to fight for the right to be free. The international community was complicit in the annihilation of the Puerto Rican people in cultural, political, economic and social terms, and the United States would continue to suppress those fighting for a free country as long as the international community allowed it to do so.

69. *Mr. Irizarry withdrew.*

70. *At the invitation of the Chairman, Ms. Valdez de Lizardi (Puertorriqueños ante la ONU, Inc.) took a place at the petitioners' table.*

71. **Ms. Valdez de Lizardi** (Puertorriqueños ante la ONU, Inc.) said that she wanted to highlight two misconceptions that some United States citizens residing in Puerto Rico had been advancing year after year before the Committee as a way of putting political pressure on the United States to impose independence on the people of Puerto Rico, an independence it did not want and had consistently rejected.

72. The first argument was that Puerto Rico was a colony and had the right to self-determination and independence. Even if one considered Puerto Rico to be a colony — despite the fact that Puerto Ricans had been United States citizens since 1917 and had enjoyed Commonwealth status since 1952 — it was clear that self-determination could just as easily lead to two options other than independence: continued Commonwealth status, and integration or statehood. In fact, in elections held every four years since 1952, candidates favouring independence had gained less than 5 per cent of the vote and never elected a single representative; and obviously if Puerto Ricans decided to change their current status they would opt for statehood.

73. The second false argument was that the mainland was imposing the use of English to further its colonialist aims, whereas it was the separatists who were seeking to promote their agenda by limiting the use of English in schools and in daily life in order to keep the Puerto Rican people isolated and to further their own repressive ends.

74. Puerto Rico should not be placed on the list of Non-Self-Governing Territories by the United Nations because it had a special status and it had benefited from the culture, technology, monetary system and language of the United States, and especially its protection, which gave Puerto Ricans the political stability that allowed the will of the majority to prevail through the electoral process and prevented a minority from imposing its will through a coup d'état.

75. Integration and not separation was in everyone's interest. The question of Puerto Rico was a domestic matter for the United States Congress and the people of Puerto Rico to resolve through the electoral process of self-determination. The most the Special Committee should do was to observe that process.

76. *Ms. Valdez de Lizardi withdrew.*

77. *At the invitation of the Chairman, Mr. Baquero Navarro (Fundación Acción Democrática Puertorriqueña) took a place at the petitioners' table.*

78. **Mr. Baquero Navarro** (Fundación Acción Democrática Puertorriqueña) said that his organization, non-sectarian and not politically affiliated, took the position that the current relations between Puerto Rico and the United States of America were colonial and that Puerto Ricans, rather than being — as the United States maintained — United States citizens residing in Puerto Rico, had always constituted a separate nationality. Together with other groups, his Foundation sought to advance a process in which all Puerto Ricans, wherever they lived, would determine their own political future and be offered only non-colonial options recognized under international law.

79. His organization favoured the establishment of a constitutional assembly on status, composed of delegates from all sectors of Puerto Rican society, and not simply the political parties. Such an assembly would meet to study the various options for future relations between Puerto Rico and the United States in informed, democratic deliberations; as a democratically elected body, it would represent the nation's sovereignty and have the authority to negotiate effectively with the United States Congress; it would have an opportunity to educate the people and make them reflect on the social, political, economic and legal advantages of each of the status options; and its mandate would not be to reach a final decision but rather to make proposals subject to a national referendum.

80. A constitutional assembly would constitute an entirely new approach that appeared to be most suitable for resolving Puerto Rico's future relations with the United States. It was preferable to petitioning the Congress by means of a referendum because it left the initiative for making proposals in the hands of the representatives of the people, and because, unlike a referendum which was a one-time occurrence and left all initiative and follow-up in the hands of the Government of Puerto Rico, it was a continuing mechanism able to consider many issues related exclusively to political status. However, if the people of Puerto Rico chose another procedural mechanism of self-determination, his organization would collaborate in that effort.

81. The process of self-determination presupposed the release of all political prisoners being held in United States jails, and the cessation by the United States of attempts to suppress the proponents of independence, one of whose leaders it had recently murdered. The United Nations must persuade the United States to put an end to its colonial domination of Puerto Rico and must allow the question of Puerto Rico to be considered as a separate item in the plenary Assembly.

82. *Mr. Baquero Navarro withdrew.*

83. *At the invitation of the Chairman, Mr. Berrios Dávila (Acción Civil para el Status de Puerto Rico, Inc.) took a place at the petitioners' table.*

84. **Mr. Berrios Dávila** (Acción Civil para el Status de Puerto Rico, Inc.) said that colonialism, slavery and racism imposed by the United States Government since 1898 had left deep scars on both the American and the Puerto Rican people.

85. Ever back in 1951, the Puerto Rican political figure, González Blanes, had argued that Law No. 600 giving the Puerto Rican people greater autonomy did nothing to resolve their status. Nor had anything changed since then. According to Richard Thornburg, former Attorney-General of the United States and Director of the Domestic Policy Council, the type of commonwealth being sought by certain Puerto Rican movements (with separate nationality and powers of consent beyond federal law) exceeded what was constitutionally permissible even for states of the Union. Under the federal system, only states were guaranteed permanent status by the Constitution.

86. Over the years, more than 14 versions of an enhanced commonwealth had been proposed to the President and Congress of the United States for their approval but all of them had been rejected. It was in their interest to retain power over Puerto Rico allow the Puerto Rican people to believe that they had ceased to be a territory and a colony of the United States on being granted a greater degree of autonomy and self-governance in 1951.

87. In 2000, Congressman John T. Doolittle had introduced a bill in the House of Representatives to implement the "Proposal for the Development of the Commonwealth of Puerto Rico" adopted by the Popular Democratic Party of Puerto Rico and supported by its Governor, Acevedo Vila. Under the proposed legislation, entitled "Puerto Rico-United States Bilateral Pact of Non-Territorial Permanent Union and Guaranteed Citizenship Act", Puerto Ricans would acquire United States citizenship at birth and Puerto Rico would be recognized as a nation and could choose to retain certain powers rather than delegate them to the United States of America. It would be able to conclude tax agreements, negotiate with other countries and participate independently in international organizations.

88. Among the various members of the House Committee on Resources opposed to the draft legislation, Congressman Jim Saxton felt that the concept of an enhanced Commonwealth was an attempt to gain political capital by tricking the Puerto Rico people into thinking that they could obtain all the benefits, rights and privileges of citizenship without the responsibilities. Congressman Dan Burton felt the proposal reflected ignorance and small-mindedness and was designed to confuse and complicate the issue of status. Walter Dellinger maintained that the proposal was unconstitutional, as Congress had full authority to govern United States territories and newly elected Congresses had the power to review, amend and revoke legislation adopted by a previous Congress. Richard Thornburg and William Treanor believed that there was no such thing as non-territorial and non-colonial status, only statehood and territorial states. William Treanor also believed that citizenship should not be passed on from one generation to the next and that citizens of the enhanced Commonwealth should not be represented in Congress, a body of elected state representatives. Richard Thornburg called for a clear definition of "status", as the concept was confusing the Puerto Rican people and misleading them into believing that they could attain something that was actually impossible. The Puerto Rican people should either have all the rights, privileges and responsibilities conferred on United States citizens or be able to establish a free and independent republic. The report of the inter-agency Task Force on Puerto Rico's status, issued on 22 December 2005, heightened the need to clarify the concept of "territory", and to recognize that being a territory of the United States was tantamount to being a colony.

89. In conclusion, he referred to the unanimous Supreme Court decision of 1857 in the case of Dred Scott v. Sandford, affirming that the Constitution did not give the United States federal Government the

power to establish, maintain or expand colonies unless it was to admit them as new states of the Union.

90. *Mr. Berrios Dávila withdrew.*

91. *At the invitation of the Chairman, Ms. Rexach (National Advancement for Puerto Rican Culture) took a place at the petitioners' table.*

92. **Ms. Rexach** (National Advancement for Puerto Rican Culture) said that Puerto Rico was an undeclared fifty-first state of the United States by virtue of both its Commonwealth status and a 1917 law making all Puerto Ricans United States citizens. To complete that process and enfranchise the Puerto Rican people and give them the rights to Congressional representation, the United States Congress should immediately affirm the statehood of Puerto Rico. The political ambitions of a few individuals should not be pursued at the expense of about 6 million Puerto Ricans — 3 million residing on the island and another 3 million spread across the mainland of the United States.

93. *Ms. Rexach withdrew.*

94. *At the invitation of the Chairman, Mr. Adames (Centro Literario Anacaona) took a place at the petitioners' table.*

95. **Mr. Adames** (Centro Literario Anacaona) said that the structure of the Puerto Rican Government was virtually identical to that of a state of the Union and yet its lack of statehood turned the island's residents into second-class citizens who could neither vote nor be represented in Congress, yet were bound by all the duties of citizenship — including military service. Indeed, in some wars fought by the United States, more Puerto Ricans had died than citizens of any other state. Puerto Ricans who moved to the mainland, though subjected to discrimination, automatically became first-class citizens and acquired the right to vote; however, they reverted to their second-class status, even if they were war veterans, once they returned to the island.

96. While the island's actual status was that of a Commonwealth, some members of the Special Committee deliberately employed the term "colony" to justify the Committee's jurisdiction with the premeditated intention of destroying the relationship between Puerto Rico and the United States, and the secret intention of disrupting what should be a natural historical and social progression towards statehood. He called on the United States Congress to end its historical discrimination against the island of Puerto Rico by immediately declaring it the fifty-first state of the Union.

97. The political hypocrisy must end. Puerto Ricans were free and could come before the Committee to air their political grievances without any constraints. Could Cubans come before the Special Committee to protest against their lack of freedom? Perhaps an item on the "emergency" in Cuba should be included in the Committee's agenda.

98. *Mr. Adames withdrew.*

99. **Mr. Malmierca Díaz** (Cuba), speaking on a point of order, said that it was not the first time Mr. Adames had addressed the Special Committee. The previous year as well, his delegation had felt compelled to raise a point of order in response to the petitioner's false and disrespectful statement about Cuba, and now, once again, the petitioner was making completely false remarks that were unacceptable. His delegation would bear that in mind when the petitioner submitted a request to be heard at future sessions of the Special Committee.

100. *At the invitation of the Chairman, Ms. Grady Flores (Ithaca Catholic Worker Vieques Support Group) took a place at the petitioners' table.*

101. **Ms. Grady Flores** (Ithaca Catholic Worker Vieques Support Group) said that, through the Ithaca Catholic Worker Vieques Support Group, she helped to raise local awareness, including at Cornell University and Ithaca College, of the Puerto Rican struggle and the four demands of the people of Vieques: demilitarization (an end to 60 years of bombing by the United States Navy and the removal of ordnance); decontamination (removal of all hazardous materials, including radioactive depleted uranium dust and shells); devolution (immediate return of the land occupied by the United States Fish and Wildlife Services) and development (inclusion of the citizens of Vieques in planning and development of the island).

102. The Ithaca Catholic Worker Vieques Support Group had worked in Puerto Rico with a number of Vieques community organizations, including the Committee for the Rescue and Development of Vieques. In 2000, she had participated, as a member of the Christian Peacemaker Team, in a successful non-violent struggle in Vieques to protest against 60 years of bombing by the United States Navy.

103. The people taking part in the civil disobedience protest in Vieques had believed that their struggle was closely intertwined with the fate of others around the world who were also at the brunt of United States military and colonial power. As the Puerto Rican people mourned the death of Filiberto Ojeda Rios, her family and people of conscience all over the United States awaited the verdict of an upstate New York jury on the St. Patrick's Four, a non-violent protest against the invasion and colonization of Iraq. Two of her sisters and her brother-in-law were on trial.

104. As a mother of four children of draft age, she paid close attention to the consequences of the wars led by the United States and their aftermath. In attending the trial of peace activists in Baltimore just before going to Vieques, she had learned about the dangers of depleted uranium weapons, which caused heavy metal toxicity to the body and combined with DNA to cause cell mutations leading to cancer and birth defects. Its isotope U-235 emitted radioactive alpha rays, and its concentration that was 100,000 times more readily internalized.

105. Although the United States Navy had admitted only to firing "only 263 rounds" of depleted uranium shells in 1999 and in any case, Pentagon rules prohibited the military from practicing with depleted uranium, Ismael Guadalupe, who was at the current meeting, had witnessed its use in tanks as far back as 1994 and 1995. The United States Navy had used the A-10 warthog fighter plane, which could fire 9,500 rounds of depleted-uranium-tipped bullets in one minute, and nuclear engineer Frankie Jimenez had found 11 radioactive hot spots in the Navy bombing practice zone. On the eve of the Iraq war, the Navy had tested the famous 500-lb. Bunker Buster bombs covered with depleted uranium casing in the Vieques practice zone. Each detonation released depleted-uranium dust and other contaminants that were carried by the trade winds to the people of Vieques.

106. According to a health survey taken in spring 2005, the cancer rate in Vieques was 120 per cent higher than it was on the main island of Puerto Rico. Vieques resident Rolando Garcia, who had worked on the United States Navy base for three months in 1999, had tested positive for depleted-uranium contamination. He had pains in his bones, no hair and no eyelashes. His wife had lost their baby in the seventh month of her pregnancy. His memory and nerves had been affected like those of Iraq war veterans in suffering from depleted-uranium contamination.

107. She urged the Special Committee to consider such evidence of blatant disregard for human life and well-being, and to recognize the need for the self-determination of the Puerto Rican people.

*The meeting rose at 6.10 p.m.*

United Nations A/AC.109/2006/SR.10

General Assembly

Distr.: General
12 July 2006

Original: English

# Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

**Summary record of the 10th meeting**
Held at Headquarters, New York, on Tuesday, 13 June 2006, at 10 a.m.

*Chairman*: Mr. Hunte ..... (Saint Lucia)

## Contents

Adoption of the agenda

Special Committee decision of 13 June 2005 concerning Puerto Rico (*continued*)

*Hearing of petitioners* (*continued*)

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06-38417 (E)

*The meeting was called to order at 10.25 a.m.*

**Adoption of the agenda**

1. *The agenda was adopted.*

**Special Committee decision of 13 June 2005 concerning Puerto Rico** (*continued*)

*Hearing of petitioners* (*continued*) (Aide-memoire 03/06 and Add.1 and 2)

2. *At the invitation of the Chairman, Mr. Rivera (Puertorriqueños unidos en Acción) took a place at the petitioners' table.*

3. **Mr. Rivera** (Puertorriqueños unidos en Acción) said that the violent acts recently committed by United States security forces in Puerto Rico, including the assassination of the independence leader Filiberto Ojeda Rios had been merely the latest phase in the systematic and grave violation of the most basic human rights of Puerto Ricans by the United States.

4. Any process of self-determination and decolonization must ensure respect for the human rights of Puerto Ricans and guarantee the liberation of Puerto Ricans imprisoned in the United States for activities relating to the island's struggle for independence. It should also include the participation of Puerto Ricans residing in the United States.

5. The United States had used its influence to keep the question of Puerto Rico off the agenda of the General Assembly, while using a variety of means to thwart the attempts of the people of Puerto Rico to assert their sovereign rights. It was time for the international community to give due priority to the question of Puerto Rico.

6. *Mr. Rivera withdrew.*

7. *At the invitation of the Chairman, Ms. Vélez-Mitchell (Primavida, Inc.) took a place at the petitioners' table.*

8. **Ms. Vélez-Mitchell** (Primavida, Inc.) said that the United States should be more mindful of the contribution made by Puerto Ricans to United States society and should be more appreciative of the island, its people and its culture.

9. *Ms. Vélez-Mitchell withdrew.*

10. *At the invitation of the Chairman, Mr. Arroyo (Young Professionals for Puerto Rico Democracy and Self-Determination) took a place at the petitioners' table.*

11. **Mr. Arroyo** (Young Professionals for Puerto Rico Democracy and Self-Determination) said that it was time for the United States Government to clarify the status options for Puerto Rico. The December 2005 report of the inter-agency Task Force on Puerto Rico's Status provided a framework for the completion of the decolonization process that had begun with the adoption of General Assembly resolution 748 (VIII).

12. The present Commonwealth system of self-government had represented progress in 1953, but had since become an anachronism. All political parties in Puerto Rico sought non-territorial status, including full democratic self-government. In order for the decolonization process to be completed, the current status of annexation and partial integration must be ended in favour of full integration, free association between nations, or independence as recognized under United States and international law.

13. Although it might be technically true that the United Nations was no longer responsible for the political status of Puerto Rico, it was important that United States citizens from Puerto Rico should prevent misleading information about the territory's status process from being disseminated in the Committee or anywhere else.

14. *Mr. Arroyo withdrew.*

15. **The Chairman** said that the statements of the petitioners had deepened the knowledge of Member States concerning new developments and perspectives regarding the political, constitutional and socio-economic evolution of Puerto Rico. He wished to highlight a number of issues that had emerged from those statements.

16. Many petitioners had referred to the possibility that the question of Puerto Rico might be taken up by the General Assembly and that the United Nations might send a visiting mission to the island. They had noted that Puerto Rico's capacity to participate in international organizations was limited, even though categories such as observer status or associate membership were enjoyed by other Territories.

17. Petitioners had raised the issue of the applicability of General Assembly resolution

1514 (XV) to Puerto Rico with respect to the right to self-determination and the relevance of Assembly resolution 1541 (XV), especially as it related to the options of free association and integration. They had also wondered about the implications of the 2005 inter-agency Task Force report defining Puerto Rico as an unincorporated territory, and had sought clarification from the administering Power as to whether the report's findings constituted a new policy, which differed from that presented to the United Nations in 1952.

18. A number of petitioners had wondered whether the rationale underlying General Assembly resolution 748 (VIII), which had removed Puerto Rico from the United Nations list of Non-Self-Governing Territories, should be revisited, and others had referred to the various ways by which Puerto Rico could exercise its right to self-determination.

19. Various intergovernmental bodies had expressed support for a self-determination process for Puerto Rico, and petitioners had also recognized Puerto Rico's cultural affinity with the wider Latin American and Caribbean region. They had also questioned the political and economic implications of the applicability of federal law and jurisdiction to Puerto Rico. They had referred to the impact of the role of multinational corporations in the context of the ownership and control of the economy, as well as to the unfinished restoration of Vieques in the context of land use and ownership, and of the responsibility for the decontamination of the land.

20. Those issues were complex and deserving of due consideration by the Committee and by the United Nations as a whole. Although the Committee was not mandated to resolve them, it could make important observations on how to move forward. Petitioners' overwhelming call for the General Assembly to take up the issue of Puerto Rico's self-determination had been very clearly expressed.

21. Such a development would not be inconsistent with paragraph 6 of the resolution on the question of Puerto Rico adopted at the Committee's previous meeting. The matter should be given due consideration by the General Assembly so that the various issues raised could be clarified and so that the people of Puerto Rico could move forward in the exercise of their right to self-determination.

*The meeting rose at 11.05 a.m.*

United Nations A/AC.109/2006/SR.11

General Assembly

Distr.: General
25 July 2006

Original: English

# Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

**Summary record of the 11th meeting**
Held at Headquarters, New York, on Thursday, 15 June 2006, at 10 a.m.

*Chairman*: Mr. Hunte ..... (Saint Lucia)

## Contents

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Question of the Falkland Islands (Malvinas)

*Hearing of representatives of the Non-Self-Governing Territory*

*Hearing of petitioners*

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06-38909 (E)

*The meeting was called to order at 10.20 a.m.*

**Adoption of the agenda**

1. *The agenda was adopted.*

**Requests for hearings**

2. **The Chairman** informed the Committee that he had received a communication containing a request for a hearing from the Montserrat Progressive Society of New York, a non-governmental organization (NGO) with a special interest in Montserrat. The request had been distributed as aide-memoire 08/06. He took it that the Committee approved the request.

3. *It was so decided.*

**Question of the Falkland Islands (Malvinas)**
(A/AC.109/2006/17; A/AC.109/2006/L.8)

4. **The Chairman** informed the Committee that the delegations of Argentina, Brazil, Paraguay, Peru and Uruguay had indicated their wish to participate in the Committee's consideration of the item.

*Hearing of representatives of the Non-Self-Governing Territory*

5. *At the invitation of the Chairman and in accordance with the requests for hearing granted at previous meetings of the Committee, Mr. Stevens (Member of the Legislative Council of the Falkland Islands) and Mr. Davies (Member of the Legislative Council of the Falkland Islands) took places at the Committee table.*

6. **Mr. Stevens** (Legislative Council of the Falkland Islands) said that the Falkland Islands were following a distinctive path and making choices that were right for their unique circumstances, choices not dictated by a colonial Power or powerful neighbours, but the result of an elected and accountable system of governance.

7. The Falkland Islands had enjoyed stability throughout their 170-year history. However, the increased financial and administrative independence of recent times had enabled them to develop on many fronts. Their multicultural, tolerant society wanted for very little. The islands intended to continue evolving and developing, but could do much more if given enough freedom. Such freedom was already enshrined in their internal government and in the constitutional relationship with the United Kingdom. However, they also needed to be free from pressures and negative actions designed to undermine their way of life and force them into an unacceptable relationship with their nearest neighbour.

8. Though the 1982 conflict had been a tragic event, much good had come of it. No longer a forgotten, far-flung community, the Falkland Islands had been able to modernize their government and economy, declare an economic zone in the seas around the islands and invigorate their farming-based economy. Today, theirs was a vibrant economy with an ever-stronger private sector. One of the first areas in which their new-found wealth had been invested was roads. Within a few years they would complete the basic road network. They were also developing a regular ferry service to join East Falkland and West Falkland. Such developments had led to opportunities in many areas, particularly tourism.

9. Education had also been transformed. In the past, further and higher education had been for the privileged or very gifted. Today, after gaining a strong foundation in the islands, a healthy cross section of students went on to further education overseas. The islands were beginning to reap the rewards of such investment as young adults began to return to the islands with internationally recognized qualifications.

10. Health services were also unrecognizable compared to pre-1982. The islands now had a well-funded, modern department with skills and expertise unheard of 25 years ago. The number of houses in the capital, Stanley, had doubled in the past 15 to 20 years, reflecting the strength of the economy and people's confidence in the islands' future. Most people in the islands lived a modern, comfortable existence. A social welfare system helped the less fortunate members of society. There were no chronically poor or homeless.

11. Telecommunications had made a great difference to the islands. In 2006, mobile phones had been introduced to Stanley, with broadband Internet access to follow shortly. Politically, improvements in the democratic processes continued. Local politicians drove policies and were accountable to the electorate. Much of the workings of government were open to the public and the press. The present Legislative Council was further streamlining government structures with a view to establishing the equivalent of ministries covering specific areas of governance. The Governor

no longer chaired the Legislative Council. The islands' continuously maturing democracy gave the lie to the claim that they were a colony. However, they would be just that if the international community accepted Argentina's claim to sovereignty over them.

12. The Falkland Islands would like to continue their success story. They would also like to have a normal relationship with their neighbour, Argentina. He called on Argentina's Minister of Foreign Affairs to engage on the global issues affecting the region, such as protecting straddling fish stocks, and to join forces generally to care for the environment. Lastly, he urged the Committee to fulfil its stated aims and support the fundamental right to self-determination.

13. **Mr. Davies** (Legislative Council of the Falkland Islands) said that to adopt yet another resolution that called for dialogue between the United Kingdom and Argentina but made no reference to the Falkland Islands' right to self-determination would lead nowhere. The Committee's obligation was to guard and promote the islanders' rights as the people of a Non-Self-Governing Territory, not to arbitrate in a sovereignty dispute. Their desire for self-determination in the context of a continuing association with the United Kingdom was quite clear. General Assembly resolution 1514 (XV), the Committee's annual resolutions and the opening remarks of the Deputy Secretary-General all highlighted the right to self-determination. How, then, could the Committee support a resolution on decolonization that made no reference to that right? If the Committee genuinely wished to make progress, it needed to approach the case afresh.

14. Argentina's claim to territorial integrity had no historical or legal basis. When the islands had been discovered in the sixteenth century they had been uninhabited. From the late eighteenth century onwards, Spain and Britain had claimed the islands. Today's Argentina had not existed. It was therefore incorrect to suggest that Argentina and the islands had formed any sort of national unit. Moreover, Spain had not ceded her sovereignty claim to Argentina upon independence. Despite that, in 1829, Argentina had appointed Vernet, a French entrepreneur, as governor. Britain had protested and reoccupied the islands four years later.

15. The islanders had peacefully occupied and administered their country for 170 years — longer than Argentine Patagonia had existed. The islands were not part of Argentina and never had been. Argentina's brief occupation in the nineteenth century did not give her any rights over them. For too long, the Committee had allowed Argentina to equate decolonization with her anachronistic sovereignty claim. The tragedy was that Argentina had created a myth which no rational argument could destroy. Argentines were convinced of the justice of their cause and sovereignty had become a matter of national honour. For the islanders, Argentine sovereignty would mean annexation and alien domination. General San Martin, liberator of Argentina, Chile and Peru, had been passionately committed to people's right to choose their own government, and would surely be ashamed to see Argentina attempting to subjugate the islands and impose upon them a rule they did not want.

16. Argentina's claim that the islanders had no political rights as a distinct people was nonsense. If that were true, why were the islands on the list of Non-Self-Governing Territories? Though originally from many different places, the islanders had, over the years, developed their own identity as a people in their own right. Even Argentina had her own name for them. The claim that they had no rights because they were not an indigenous people was spurious; one glance at Argentina's demographic make-up showed the folly of taking that position. The concept of indigenous people was, moreover, meaningless in the context of a country that had been uninhabited when discovered. In any case, there was no principle that self-determination was available only to indigenous people. No one would suggest that non-indigenous Argentines did not have rights in their own country.

17. The Falkland Islands were a modern, mature, vibrant and multicultural community with a high degree of internal self-government and strong democratic institutions. He invited anyone who doubted his words to come and see for themselves. In no sense were they a colony. They greatly valued their link with the United Kingdom and its unwavering commitment to defend their rights. Their entirely voluntary association with the United Kingdom was based on mutual respect and commitments and obligations on both sides. He believed that to be an appropriate basis for the relationship in the twenty-first century. It was not colonial reform, or "contemporary" or "benevolent" colonialism. The islanders were fully aware of the options available. Their choice reflected the view of the vast majority. He asked the Committee to respect that wish.

18. He was very disappointed that the Argentine Government seemed to be deliberately trying to damage their economy, denying commercial flights permission to fly across Argentine airspace and threatening shipping interests. He regretted the recent failure to hold full meetings of the South Atlantic Fisheries Commission and the fact that Argentina had dissuaded its scientists from collaborating in any work involving the Falkland Islands. Noting recent criticisms that the United Kingdom was blocking cooperation by acting unilaterally in certain areas, he stressed that the islands' new fisheries ordinance had been drafted and enacted by their own government, not by the United Kingdom. Third-party nations too suffered from Argentina's approach, especially those involved in fisheries and those trying to implement international conservation agreements. The recent United Nations proposals to reduce illegal fishing on the high seas would only work if countries cooperated. All were responsible for the health of the planet and must work together to make progress. Conservation of fish stocks and wildlife, of benefit to all, required strong international commitment and cooperation.

19. The current cold war in the South Atlantic would not make the islanders surrender their rights, or change the attitude of the United Kingdom. Argentina's approach would only delay progress. Making progress on mutual cooperation and peaceful coexistence was not easy and required wisdom and determination. It was time for Argentina and the Falkland Islands to make such progress and reap the benefits. The islanders would never trade their right to self-determination for material benefit. However, they could see the benefits of cooperation and wanted to develop a good neighbourly relationship based on mutual respect and trust.

20. It was not possible to turn the clock back 170 years. The time had surely come for both countries to put aside their differences and move on into the twenty-first century. He believed that the Argentine people had the goodwill and maturity to do that; he hoped that their politicians would have the strength and vision to engage in dialogue and move towards a better relationship. Rather than adopting the same resolution again, he asked the Committee to acknowledge that the case would be resolved only by accepting that the inhabitants of the Falkland Islands were a people with inalienable political rights. Lastly, he expressed his appreciation to those States that supported the islanders' right to self-determination and had the integrity to speak on the basis of principle, not self-interest. If the United Nations was to be relevant in the twenty-first century, it must not allow political expediency to take precedence over the provisions of the Charter.

21. *Mr. Stevens and Mr. Davies withdrew.*

*Hearing of petitioners*

22. *At the invitation of the Chairman, Ms. Vernet took a place at the petitioners' table.*

23. **Ms. Vernet** said that her family's history was closely tied to the Malvinas Islands and those Argentine citizens who had emigrated there, only to be expelled by British forces in 1833. Her great-great-grandfather Luis Vernet, had been the first governor of the islands, following the creation of Argentina's political and military command there in 1829. He had legitimized Argentine sovereignty over the territories under his jurisdiction and established Argentina's control of the archipelago through methodical planning and orderly management of its resources. He had not been driven by personal gain alone; all the information he collected had been sent to the Government in Buenos Aires, particularly that relating to the islands' productive potential. In 1823, he had been authorized to settle in the islands, and in 1824 his first expedition had arrived to exploit the islands' resources. He had subsequently expanded his activities throughout the archipelago.

24. In 1828 he had been awarded title to vacant land in the islands. The intent had been to increase the number of settlers, fix territorial limits and found new fishing ports. Owing to the presence of many British fishing boats in the area, the British vice-consul in Buenos Aires had been asked to certify the land titles and had raised no objections. In fact, the concessions had not been questioned by any State.

25. The Buenos Aires Government had established Puerto Soledad as the seat of Government of the Malvinas Islands. In less than two years, Puerto Soledad's population had grown to over 100 permanent residents. The main productive activities had been stockbreeding, exploitation of free-roaming cattle, fishing and hunting. The Argentine authorities had clearly been interested in promoting fixed settlements in Argentina's southern-most territories.

26. The United Kingdom's arguments to justify their illegal act of 1833 did not stand up to legal analysis. The occupied Territory had belonged to Argentina. Their only arguments today were the passage of time and the right to self-determination. The fact that they controlled the Territory did not count. Title deeds and Argentina's claim took precedence over illegal possession. The right to self-determination did not apply, as the islanders were not a people in the legal sense. Their alleged right to self-determination was based on the fact that some of them were descendants of the first British settlers. However, not all communities constituted a people, with a right to determine the sovereignty of a territory. The present-day inhabitants were British. They had no differentiating features making them a nation or ethnic group in their own right. United Nations resolutions recognized the existence of a sovereignty dispute. The Malvinas Islands had belonged to the Spanish Crown and had therefore become part of the Argentine State upon independence. The so-called right to self-determination distorted Argentina's territorial integrity.

27. She urged the Committee to promote constructive dialogue between the United Kingdom and Argentina. She was confident that, by using its good offices, the Committee would help find a peaceful solution to the sovereignty dispute and thereby put an end to a colonial situation that was an affront to the entire American continent.

28. *Ms. Vernet withdrew.*

29. *At the invitation of the Chairman, Ms. Reynolds took a place at the petitioners' table.*

30. **Ms. Reynolds**, speaking as a member of a family that had lived in the islands since the nineteenth century, said that since the seizure of control of the Malvinas Islands by the United Kingdom in 1833, British settlers had expelled and discriminated against Argentine inhabitants in order to prevent them from settling in the islands, thus consolidating colonial rule, a situation that prevailed to the present day.

31. However, over the decades, many British settlers had recognized that, besides geographical proximity, powerful links united the islands with the Argentine mainland, and had disagreed with the policy of the colonial Power, maintained to date, of severing those links and isolating the islands in order to thwart the legitimate claim of the Argentine Republic to sovereignty.

32. Under Argentine sovereignty, the British population of the islands would enjoy the same guarantees of respect for their culture, language, ideas and property as other Argentine citizens. The Special Committee should urge the United Kingdom to negotiate the Malvinas question with the Argentine Republic, in accordance with the relevant General Assembly resolutions.

33. *Ms. Reynolds withdrew.*

*Draft resolution A/AC.109/2006/L.8*

34. **Mr. Muñoz** (Chile), introducing the draft resolution, said that the question of the Malvinas Islands was a special and particular one, owing to the existence of the sovereignty dispute between Argentina and the United Kingdom. The only way to end that situation was to secure a negotiated settlement of the dispute between the two Governments. The draft resolution therefore called on the two parties to consolidate the process of dialogue and cooperation through the effective resumption of negotiations.

35. It was regrettable that, despite the passage of time and the numerous resolutions adopted by the United Nations, it had not proven possible to initiate direct diplomatic negotiations between the parties with a view to resolving the dispute in a just and lasting manner.

36. The presence of so many representatives of Latin American States at the meeting was an indication of the concern of the countries of the region to see a lasting solution to the question of the Malvinas Islands. Chile supported the rights of Argentina in the sovereignty dispute over the islands and considered that the only viable way forward was through bilateral negotiations between Argentina and the United Kingdom.

37. The maintenance of colonial situations in the early twenty-first century was an anachronistic situation, which should be brought to an end. There were no grounds for the continued delay in the search for a solution to the question of the Malvinas Islands, and the two parties should therefore resume effective negotiations to that end, as soon as possible. Chile therefore hoped that the Committee would adopt the draft resolution by consensus.

38. **Mr. Taiana** (Argentina) said that the United Nations decolonization process was nearing its end,

and was one of the Organization's major accomplishments. His country had always supported that process and had also participated actively in the work of the Special Committee.

39. In 1833 the United Kingdom had forcibly seized the Malvinas Islands, which were Argentine territory. It had then proceeded to replace the resident Argentine population with settlers of British origin and to impose colonial administration on the islands. The General Assembly and the Special Committee considered the question of the Malvinas Islands as a particular and special question, which differed from traditional colonial disputes because it involved a sovereignty dispute.

40. He wished to address the question of the Malvinas Islands from two perspectives: the principle of territorial integrity, and the United Kingdom's refusal to heed the repeated calls of the international community.

41. With respect to the Malvinas Islands, the principle of territorial integrity prevailed over the principle of self-determination. Argentina had consistently supported the application of the principle of self-determination for peoples subject to a colonial regime in cases where the United Nations had concluded that the principle was applicable. However, pursuant to paragraph 2 of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV), self-determination was limited by the principle of territorial integrity.

42. Moreover, the applicability of the principle of self-determination should be considered in the light of the related circumstances. Thus it could not be applied to the Malvinas Islands because part of the territory of an independent State — Argentina — had been separated, against the will of the inhabitants, by an act of force. Furthermore, the indigenous population had been forced to leave.

43. The inappropriate application of the principle of self-determination to a territory populated by inhabitants of a colonial Power would place the destiny of that territory in the hands of the Power that had established itself by force, in violation of international law. The basic principle of free determination must not be used to transform an illegitimate possession into a situation of full sovereignty. In the case of the Malvinas Islands, to apply the principle of self-determination would effectively be to use resolution 1514 (XV) to perpetuate a colonial situation, to the detriment of the legitimate rights of the Argentine people.

44. General Assembly resolution 2065 (XX) excluded the application of the principle of self-determination to the Malvinas Islands because, if the existence of the sovereignty dispute was accepted, the application of paragraph 2 of resolution 1514 (XV) conflicted with its paragraph 6, since to concede self-determination to the islands' inhabitants would be to violate the territorial integrity of the Argentine Republic.

45. Moreover, in referring to the "interests" of the population, not to their "desires", resolution 2065 (XX) confirmed that the right of self-determination was not applicable to the Malvinas Islands, since the population was British, had been transplanted there with a view to establishing a colony, and had never been subject to, or subdued by, a colonial Power as required by resolution 1514 (XV). The question of the Malvinas Islands therefore concerned a colonized people, not a colonial territory.

46. Turning to his second point, he said that although his Government had repeatedly affirmed its readiness to negotiate, the United Kingdom had ignored the repeated calls of multilateral forums, thus preventing a resolution of the dispute and blocking the decolonization process itself. The prolonged delay should be a cause of concern to the United Nations, and it was therefore imperative that the Secretary-General should use his good offices to assist the parties to comply with the wishes of the General Assembly. Argentina greatly valued the Secretary-General's past management of the question, and believed that his future engagement was vital to achieving progress.

47. Since 1990 Argentina and the United Kingdom had adopted a series of ad hoc understandings of a provisional nature aimed at creating a climate conducive to the resumption of negotiations on sovereignty. Those agreements could not, and must not, be understood as an acceptance of an illegitimate situation, which was not recognized by the Argentine Republic, or as a substitute for the definitive resolution of the dispute.

48. Notwithstanding Argentina's repeatedly expressed desire to cooperate, the United Kingdom had carried out unilateral actions which had introduced changes to the islands' situation, in violation of General Assembly

resolution 31/49, as well as the aforementioned provisional understandings and the mandate of the international community.

49. His Government had consistently protested against, and rejected, those illegal actions, and had repeatedly pointed out to the United Kingdom the profound inconsistency between its commitments under the 1995 joint declaration and its deliberate unilateral actions. The work of the South West Atlantic Hydrocarbons Commission had ceased as a result of those actions, and the Argentine Republic could not fail to take into consideration their negative impact on bilateral cooperation.

50. Argentina had made a strong protest against the extension of the British military base on the Malvinas Islands, and the United Kingdom had not demonstrated the will to resume negotiations on confidence-building measures in the military sphere, which had been suspended in 1994. Those negotiations were needed to improve the control and security of air and sea traffic in the region, in accordance with the joint declaration of 1989 and the provisional understandings.

51. The United Kingdom had also repeatedly tried to ensure that the islands and their illegitimate representatives participated in international bodies and events, and to extend international conventions to the disputed area, practices which were consistently rejected by Argentina.

52. The Argentine Republic had on numerous occasions warned the United Kingdom that it would reject any British pretension to adopt unilateral measures that would affect fisheries resources in the maritime areas surrounding the Malvinas Islands, and that such measures would have a negative impact on bilateral cooperation within the framework of the South Atlantic Fisheries Commission.

53. The United Kingdom's decision to award long-term rights to fisheries resources was not constructive, and was also contrary to General Assembly resolution 31/49 and to the relevant bilateral understandings. His Government had already officially rejected the decision, which had seriously affected cooperation on the preservation of fisheries stocks, and was considering the impact of the measure on future cooperation.

54. In defence of its national interests, Argentina must reject such actions, which represented a deliberate attempt to deny the existence of the sovereignty dispute and the obligation to negotiate its definitive settlement. Argentina was not averse to cooperating with the United Kingdom on practical aspects of the question, provided that such cooperation was carried out on an equitable basis and helped create favourable conditions for resuming negotiations on sovereignty.

55. It could not be said that the Argentine Government intended to take any actions to harm the population of the islands, whose interests it was determined to respect. That was why Argentina had proposed to the United Kingdom, in November 2003, to establish regular flights between the islands and the Argentine mainland, operated by Argentine airline companies. Argentina continued to await a satisfactory response to its proposal, which would doubtless open up new and constructive prospects for both sides.

56. The draft resolution before the Committee would, like its predecessors, provide the basis for a diplomatic solution to the dispute. The Argentine Republic would continue to provide active support for the United Nations decolonization process.

57. **Mr. Sardenberg** (Observer for Brazil) expressed the hope that the Argentine Republic and the United Kingdom would engage in dialogue in order to resolve the dispute over the Malvinas Islands promptly, peacefully and in accordance with the relevant General Assembly resolutions and the United Nations Charter. In that regard, he reiterated his country's support for the legitimate claim of the Argentine Republic to the islands.

58. His Government welcomed the positive developments noted in the working paper prepared by the Secretariat (A/AC.109/2006/17), but was disappointed that the General Assembly resolutions on the need for comprehensive negotiations over the Malvinas Islands had still not been implemented. He therefore firmly supported the adoption, without a vote, of draft resolution A/AC.109/2006/L.8.

59. **Mr. Loizaga** (Observer for Paraguay), speaking on behalf of the Southern Common Market (MERCOSUR) and the associated States of Bolivia, Chile, Colombia, Ecuador, Peru and Venezuela, reiterated their support for the Argentine Republic in its legitimate claim to sovereignty over the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas, and for a prompt,

peaceful, fair and lasting solution through renewed negotiations between the Argentine Republic and the United Kingdom. They hoped that the draft resolution, which established the necessary framework for diplomatic resolution of the dispute, would be adopted by consensus.

60. **Mr. Muñoz** (Chile) said that his delegation wished to associate itself with the statement made by the observer for Paraguay.

61. **Mr. Pereyra** (Observer for Peru) said that while his country had always defended the right of peoples to self-determination, the present case differed from that of most other Non-Self-Governing Territories. The position of his delegation, based on historical, geographical and legal criteria, was that the sovereignty of the Argentine Republic over the Malvinas Islands, South Georgia and the South Sandwich Islands and surrounding maritime areas should be recognized. Accordingly, the two parties to the dispute should resume negotiations as soon as possible in an effort to find a peaceful, just and lasting solution, as set forth in the draft resolution before the Special Committee.

62. Peru was aware from its own recent history that negotiations on sovereignty were not easy and required a great deal of patience, imagination and good faith in order to reach peaceful and lasting solutions. The desire to reach such a solution for the Malvinas Islands remained a key element of Peruvian foreign policy.

63. **Mr. Perazza** (Observer for Uruguay) said that the crux of the dispute over the sovereignty of the Malvinas Islands was the relationship between the right to self-determination of peoples and the territorial integrity of States; it was legally impossible for the inhabitants of the islands to choose to live under the sovereignty of one country in the territory of another. General Assembly resolution 1514 (XV) established a clear limit to the right to self-determination by stating that faithful and strict compliance with the resolution must be based on respect for the territorial integrity of States.

64. The United Kingdom had invoked the right to self-determination as justification for its sovereignty over the islands and, from that, it could be inferred that any attempt by Argentina to recover its sovereignty over the islands constituted a violation of that right. Uruguay did not accept that line of reasoning. At no time had the Argentine Republic questioned or called into question the right of the population of the Malvinas Islands to freely determine its political status and freely pursue its economic, social and cultural development, and there was nothing to suggest that it would do so after regaining sovereignty over the islands.

65. Uruguay's long-standing and close relations with the Argentine Republic were not the sentiment that motivated those views. Rather, Uruguay was convinced of the justice of the Argentine claim to sovereignty over the Malvinas Islands, and of the need for an early, peaceful and just settlement of the dispute in accordance with the relevant resolutions of the United Nations and of the Organization of American States (OAS). It therefore supported the draft resolution before the Special Committee.

66. **Mr. Zhang** Yishan (China) said that China had consistently taken the position that territorial disputes between countries should be resolved through peaceful negotiations. It therefore encouraged the Governments of the Argentine Republic and the United Kingdom to act in accordance with the relevant resolutions of the General Assembly, continue their constructive dialogue and work towards an early, peaceful and just solution to the question. His delegation therefore supported the draft resolution.

67. **Mr. Davies** (Sierra Leone) said that any solution that fell short of respecting the wishes and expressing the aspiration of the inhabitants of the Malvinas Islands, South Georgia and the South Sandwich Islands would be inconsistent with General Assembly resolution 1514 (XV) and Article 1, paragraph 2, and Article 73 (b) of the United Nations Charter. His delegation therefore urged all parties to engage in peaceful and sustained dialogue with a view to finding a lasting solution.

68. **Mr. Atieh** (Syrian Arab Republic) commended Argentina on its support of the rights of the people of the Malvinas (Falkland) Islands, its respect of United Nations resolutions and its rejection of foreign occupation. His Government's position was consistent with those adopted at the 2005 summit of South American and Arab countries in Brasilia and the 2005 summit of the Group of 77 and China in Doha.

69. His delegation supported the draft resolution before the Special Committee. Its adoption by consensus would underline the international community's fundamental role in resolving the issue

and its support for Argentina's quest for a peaceful settlement. His delegation was convinced that the resumption of dialogue between Argentina and the United Kingdom would lead to an appropriate resolution of the question of sovereignty over the islands.

70. **Mr. Panggabean** (Indonesia) said that while decolonization represented one of the greatest achievements of the United Nations, the Special Committee's work would not be complete until the situation of the remaining 16 Non-Self-Governing Territories was resolved. The Committee should redouble its efforts to that end.

71. The question of the Falkland Islands (Malvinas) exemplified the fact that no universal criteria could be applied to every decolonization question. In the instance before the Committee, the principle of territorial integrity was the overriding consideration. The relevant General Assembly resolutions clearly stated that the only way to end the colonial situation in the islands was through the peaceful and negotiated settlement of the sovereignty dispute between Argentina and the United Kingdom, taking into account the interests of the people of the islands. His delegation therefore urged the two countries to resume negotiations in order to find a fair, equitable and durable solution to the problem. Indonesia was encouraged that the two Governments had begun talks on some aspects of the problem, such as a feasibility study on mine clearance.

72. **Mr. Yáñez-Barnuevo** (Observer for Spain) said that Spain had hosted the fifteenth Iberoamerican Summit of Heads of State and Government, a body with observer status in the General Assembly, in Salamanca in October 2005. On that occasion, a special communiqué had been adopted on the question of the Malvinas Islands urging the Governments of Argentina and the United Kingdom to resume negotiations as soon as possible to find a swift solution to the sovereignty dispute over the islands. The solution should be in accordance with the relevant resolutions of the United Nations and of the Organization of American States, and must respect the purposes and principles of the Charter of the United Nations, including the principle of territorial integrity.

73. **Mr. Loayza Barea** (Bolivia) said that his delegation wished to associate itself with the statement made by the representative of Paraguay on behalf of MERCOSUR and associated countries. MERCOSUR supported Argentina's legitimate rights over the Malvinas Islands, as had been stated at the thirty-sixth General Assembly of the Organization of American States, in June 2006. The declaration adopted at that meeting had encouraged Argentina and the United Kingdom to pursue all initiatives that could lead to a peaceful settlement of the dispute on a constructive and imaginative basis. His delegation commended the efforts of the Special Committee to find appropriate solutions to the question, which was a dispute over sovereignty, not self-determination. His delegation had therefore co-sponsored the resolution, which it trusted would be adopted by consensus.

74. **Mr. Savua** (Fiji) said that the political, economic and social particularities of each Non-Self-Governing Territory should be taken into consideration when examining its situation. While no two situations were the same, one common factor was self-determination, which was the guiding principle in the relevant provisions of the United Nations Charter, General Assembly resolution 1514 (XV) and article 1 of the International Covenant on Civil and Political Rights. Self-determination was a long process that should involve dialogue between the administering Power and the people of the Territory, respecting the people's interests and their collective will.

75. The people of the Falkland Islands had consistently expressed their interest in pursuing self-determination. They had made decisions, participated in political, economic and social developments on the islands and had enjoyed a level of independence. However, self-determination could be attained only with the full cooperation of the Governments of the United Kingdom and Argentina. His delegation therefore called on the parties concerned to resume negotiations in order to find a peaceful and lasting solution to the sovereignty dispute as soon as possible. While supporting the draft resolution, his delegation emphasized that the concerns of all interested parties, including the people of the Falkland Islands, should be heard in order to ensure lasting peace in the region. The Special Committee should be prepared to conduct a mission to the Territory should an invitation be issued.

76. **Mr. Malmierca Díaz** (Cuba) said that, despite the numerous resolutions the Special Committee had passed over the previous 20 years, no definitive solution to the question of the Malvinas was imminent.

General Assembly resolution 2065 (XX) had defined the issue as a sovereignty dispute between the United Kingdom and Argentina that required negotiations between those Governments, taking into account the provisions of General Assembly resolution 1514 (XV), the United Nations Charter and the islanders' interests.

77. Since gaining independence in 1816, Argentina had expressed its political will to exercise effective sovereignty over the islands and the maritime areas of the Atlantic inherited from Spain. The islands had, however, been seized by British forces in 1833, and the authorities and local population evicted. Cuba reiterated its support for Argentina's claim over the islands and called for a negotiated, fair, definitive and prompt solution to the question, taking into account Argentina's territorial integrity and the islanders' interests. The United Kingdom delegation, which was regrettably absent from the current meeting, should heed the Special Committee's appeals for a resumption of negotiations and respond to Argentina's repeated calls to make progress on the issue. The United Kingdom should stop taking unilateral action that affected the situation of the islands. Cuba, having co-sponsored the draft resolution, urged all Committee members to adopt it without a vote.

78. **Mr. Arias Cardenas** (Bolivarian Republic of Venezuela) said that his delegation wished to associate itself with the statement made by the representative of Paraguay on behalf of MERCOSUR and associated countries. His delegation had co-sponsored the resolution before the Committee in accordance with the sixth operative paragraph of the Declaration on the Granting of Independence to Colonial Countries and Peoples, which prohibited any attempt to disrupt the territorial integrity of a State. Venezuela therefore supported Argentina's legitimate rights in the sovereignty dispute over the Malvinas according to the relevant provisions of international law.

79. Almost 180 years had passed since Simón Bolívar had organized the Amphictyonic Congress of Panama to establish a confederation of American republics, to avoid situations such as that currently affecting the islands. The memory of that struggle increased Latin American solidarity with Argentina's desire to put an end to the occupation of the islands. Venezuela urged the United Kingdom and Argentina to resume negotiations to find a peaceful solution and to enable Argentina to establish its political and territorial integrity.

80. **Ms. Rouse** (Grenada) reiterated her delegation's commitment to the principle of self-determination and the right of peoples to decide their own destiny. By focusing on issues of genuine importance to the islands, the United Kingdom and Argentina should be able to resolve the question to the benefit of the people of the islands, in accordance with the relevant United Nations resolutions and the Charter of the United Nations.

81. **Mr. Sitnikov** (Russian Federation) said that his delegation supported the draft resolution and trusted that it would be adopted by consensus. It was necessary to find a mutually agreed solution to the question of the Malvinas Islands through bilateral talks between the two countries concerned, based on the relevant decisions of the General Assembly.

82. **Mr. Okio** (Congo) said that it was regrettable that no solution had been found to the question of the Falkland (Malvinas) Islands, which had been considered during both Decades for the Eradication of Colonialism. He urged Argentina and the United Kingdom to resume negotiations to resolve the sovereignty dispute in accordance with the Charter of the United Nations and the relevant resolutions adopted by the Committee and the General Assembly.

83. **The Chairman** said that he would take it that the Committee wished to adopt draft resolution A/AC.109/2006/L.8 without a vote.

84. *Draft resolution A/AC.109/2006/L.8 was adopted.*

85. **The Chairman** announced that the Special Committee had concluded its consideration of the item.

*The meeting rose at 12.55 p.m.*

United Nations A/AC.109/2006/SR.12

General Assembly

Distr.: General
20 July 2006

Original: English

# Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

**Summary record of the 12th meeting**
Held at Headquarters, New York, on Friday, 16 June 2006, at 10 a.m.

*Chairman:* Mr. Hunte ..... (Saint Lucia)

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06-39092 (E)

*The meeting was called to order at 10.20 a.m.*

**Adoption of the agenda**

1. *The agenda was adopted.*

**Question of dissemination of information on decolonization** (*continued*) (A/AC.109/2006/L.4/Rev.1)

*Draft resolution A/AC.109/2006/L.4/Rev.1*

2. **The Chairman** drew the Committee's attention to a revised draft resolution on the dissemination of information on decolonization (A/AC.109/2006/L.4/Rev.1) issued pursuant to informal consultations.

3. **Mr. Maleki** (Islamic Republic of Iran) suggested that in future years, the phrase "of the Secretariat" after the words "the Department of Public Information" in the sixth preambular paragraph should be deleted as superfluous.

4. *Draft resolution A/AC.109/2006/L.4/Rev.1 was adopted.*

**Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands** (A/AC.109/2006/3-8, 11-13, 15 and 16; A/AC.109/2006/L.9)

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**Question of the United States Virgin Islands**

*Hearing of representatives of Non-Self-Governing Territories*

5. *At the invitation of the Chairman, Mr. Corbin (United States Virgin Islands) took a place at the Committee table.*

6. **Mr. Corbin** (United States Virgin Islands) said that the resolutions the Special Committee had adopted on the small Territories during his Government's term of office reaffirmed the relevance of General Assembly resolutions 1514 (XV) and 1541 (XV). They noted constitutional developments affecting the internal governance of some Territories and confirmed the legitimate political status options of integration, free association and independence. The importance of visiting missions and regional seminars that enabled Member States to assess the situation on the ground were emphasized. The resolutions acknowledged the applicability to the Territories of the programmes of action of United Nations world conferences in fields such as sustainable development, human settlements and the information society, and noted that many Territories had participated as observers at such forums. The resolutions stressed the importance of completing the programme of action of the Second International Decade for the Eradication of Colonialism, and of raising awareness among the Territories' inhabitants of the options available to them.

7. Recent resolutions underscored the incompatibility between the exercise of unilateral authority by some administering Powers and the attainment of self-government by the Territories under their control. Significant references were made to some Territories' quests for devolution of power to elected governments. The resolutions repeated requests for substantive reports on the implementation of resolutions on decolonization, as Member States were concerned that replies from a few agencies provided insufficient information.

8. His Government commended the Special Committee on draft resolution A/AC.109/2006/L.9 on small Territories, as highlighting the importance of self-determination as a fundamental human right. The draft resolution also recognized the role of the United Nations in developing political education programmes, and the need to establish linkages with the wider United Nations system in order to implement some aspects of the decolonization mandate. While non-implementation of the Committee's resolutions remained a significant obstacle to the realization of decolonization, they were of the utmost importance since most of them ultimately became the legislative authority of the General Assembly on action to be taken by the United Nations and other actors. His Government therefore endorsed the Committee's Plan of Implementation of the Decolonization Mandate (A/60/853-E/2006/75), which identified which bodies should implement the measures called for by the General Assembly. The Plan should improve the integration of decolonization into the work programmes of the relevant United Nations agencies.

The Committee should take care to assess implementation of the Plan in a consistent manner.

9. His Government had appreciated the specific recommendations the Committee had made on the United States Virgin Islands and the sensitivity it had shown to the situation there. In particular, the Committee had called for the Territory to join United Nations agencies and regional organizations, welcomed the initiatives the Territory had taken to ease its financial crisis, supported its position on ownership of its natural resources, and opposed legislative and other measures that would have reduced the territorial Government's authority over its financial resources. The Committee should ascertain why its recommendations had not been better implemented by the United Nations agencies and the administering Power.

10. Turning to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and international institutions associated with the United Nations, he said that the Territories' participation in relevant United Nations programmes and activities was a key element in developing their capacity and reducing their isolation from their respective regions and the international community. His Government commended the Economic Commission for Latin America and the Caribbean (ECLAC), the United Nations Development Programme (UNDP) and the Food and Agriculture Organization of the United Nations (FAO) on their assistance to many Non-Self-Governing Territories. However, he failed to understand why the report of the President of the Economic and Social Council on consultations with the Special Committee (E/2006/47) asserted that the United Nations Educational, Scientific and Cultural Organization (UNESCO) did not implement such assistance programmes. In fact, UNESCO provided associate membership to more small Territories than any other United Nations agency. His Government therefore suggested that the Secretariat's request for information to UNESCO and other bodies should be redrafted and further steps taken to ascertain what activities the agencies had carried out. In future, such reports should indicate whether the specialized agencies had included assistance to Non-Self-Governing Territories in their agendas, as requested by the General Assembly.

11. ECLAC had adopted resolutions in 1998 and 2004 promoting the development of mechanisms for its associate members, including some Non-Self-Governing Territories, allowing participation in some of its technical activities. However, when the texts had come before the Economic and Social Council it had been suggested that the Territories' participation in those technical activities would obstruct the administering Powers' control of foreign policy. Opposition in the Council had apparently been related to the fact that the resolution had originated in a body presided over by a chairman from a Non-Self-Governing Territory. As a result, the Council had taken no action on the ECLAC resolutions. The episode demonstrated the inconsistencies faced by the Non-Self-Governing Territories in their efforts to participate in the international process.

12. *Mr. Corbin withdrew.*

**Question of Montserrat**

*Hearing of petitioners*

13. *At the invitation of the Chairman, Mr. Cabey (Montserrat Progressive Society of New York) took a place at the petitioners' table.*

14. **Mr. Cabey** (Montserrat Progressive Society of New York) said that special attention should be given to the specific needs of Montserrat and its people and the issues that they faced. Montserrat continued to feel the effects of the eruptions of the Soufrière Hills Volcano in 1995 and 1997, which had affected the island's social and economic position in such a way that the island would be unable to recover fully, a situation that was further exacerbated by ongoing volcanic activity. In that regard, he expressed his appreciation for the help and support of the Organization of Eastern Caribbean States (OECS) and the Caribbean Community (CARICOM) in helping Montserratians to rebuild their lives, and the direct assistance of the European Union and the United States of America in the immediate aftermath of the disaster.

15. While Montserrat also appreciated the financing and other assistance that the Government of the United Kingdom had provided, it sought to return to the path towards self-sufficiency that it had been pursuing successfully prior to the volcanic disaster, which would enable it to become independent of such financing. His organization therefore sought the assistance of the

Special Committee, United Nations Member States and non-governmental organizations in a manner that complemented the efforts of the United Kingdom authorities in meeting the needs of the Montserrat people. Montserrat needed foreign direct investment and the help of the United Nations in navigating the difficulties of the global economy. Closer liaison with the Special Committee was also needed to ensure that the Committee was better informed of Montserrat's progress.

16. The Committee should examine the question of Montserrat more closely in order to enable the island nation to move beyond its present circumstances. His organization sought the Committee's help in locating funds and expertise that would help Montserrat to develop the remaining safe areas of the island in order, inter alia, to encourage citizens who were eager to return to do so and enable them to sustain a comfortable lifestyle.

17. The development of the economy and infrastructure would encourage people to visit and settle on the island. Given that it was as important to plan for the future as to provide for the needs of the present population, his organization further requested the Committee's assistance in helping to locate the Montserrat diaspora in order to better determine the necessary long-term planning of the island nation, and was ready to work with the Committee in helping Montserrat to take the necessary steps to return to self-sufficiency.

18. *Mr. Cabey withdrew.*

*Draft resolution A/AC.109/2006/L.9*

19. *Draft resolution A/AC.109/2006/L.9 was adopted.*

*Draft resolution A/AC.109/2006/L.11*

20. *Draft resolution A/AC.109/2006/L.11 was adopted.*

**Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples** (A/60/853-E/2006/75; A/AC.109/2006/L.10)

*Draft resolution A/AC.109/2006/L.10*

21. *Draft resolution A/AC.109/2006/L.10 was adopted.*

22. **Mr. Sitnikov** (Russian Federation) said that his delegation had not objected to the adoption of the draft resolution by consensus, but would continue to be guided by its consistent position when the matter was taken up by the Fourth Committee.

**Economic and other activities which affect the interests of peoples of the Non-Self-Governing Territories** (A/AC.109/2006/L.12)

*Draft resolution A/AC.109/2006/L.12*

23. *Draft resolution A/AC.109/2006/L.12 was adopted.*

**Question of New Caledonia** (A/AC.109/2006/14; A/AC.109/2006/L.13)

*Draft resolution A/AC.109/2006/L.13*

24. **Mr. Journès** (Observer for France) said that delegations had made considerable progress in informal consultations and were nearing consensus on the draft resolution, owing to the spirit of cooperation and transparency in which the consultations had been conducted. He noted in that regard that cooperation between France and the Pacific Island countries continued to be fruitful. He expressed the hope that additional time would be made available for further consultations.

25. **The Chairman** said that the Committee would defer action on draft resolution A/AC.109/2006/L.13.

*The meeting rose at 11.10 a.m.*

United Nations A/AC.109/2006/SR.13

General Assembly

Distr.: General
24 July 2006

Original: English

# Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

**Summary record of the 13th meeting**
Held at Headquarters, New York, on Thursday, 22 June 2006, at 10 a.m.

*Chairman:* Mr. Hunte ..... (Saint Lucia)

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06-40014 (E)

*The meeting was called to order at 10.25 a.m.*

**Adoption of the agenda**

1. *The agenda was adopted.*

**Question of New Caledonia** (A/AC.109/2006/14; A/AC.109/2006/L.13 and Corr.1)

*Draft resolution A/AC.109/2006/L.13*

2. **Mr. Aisi** (Papua New Guinea), speaking also on behalf of the delegation of Fiji, introduced draft resolution A/AC.109/2006/L.13.

3. In the light of consultations with the administering Power, his delegation proposed that operative paragraph 2 should be revised to read: "*Takes note* of the concerns expressed by a group of indigenous people in New Caledonia regarding their underrepresentation in the Territory's governmental and social structures". The revised operative paragraph would become new operative paragraph 4, and existing operative paragraphs 3 and 4 would become new operative paragraphs 2 and 3, respectively. New operative paragraph 4 better reflected the voice of the indigenous people of New Caledonia in their efforts to participate in the process of self-determination.

4. He also proposed that operative paragraph 10 should be revised to read: "*Welcomes* the intention expressed by the French authorities to resolve in the coming years the question of voter registration".

5. He wished to remind the Committee and administering Powers of their obligation under Article 73 *e* of the Charter of the United Nations to continue to transmit to the Secretary-General information on developments taking place in New Caledonia and in other territories.

6. In conclusion, he expressed the hope that the Special Committee would adopt the draft resolution, as revised, by consensus.

7. **Mr. Maleki** (Islamic Republic of Iran) said that under pressure from the delegation of the administering Power, the Committee had diluted and shortened the original text of the draft resolution and was being asked to accept a major change by agreeing to replace the word "non-representation" by the word "underrepresentation". Assuming that the original wording was based on accurate and reliable information, he wondered how such a change was possible. The word "underrepresentation" implied that the indigenous peoples of the Territory enjoyed a certain level of representation in the Government, whereas it was the understanding of his delegation that that was not the case.

8. Referring to operative paragraph 10, he said that the phrase "in the coming years" suggested an indefinite period of time spanning not only years but decades, whereas the original paragraph had established a definite and reasonable time frame.

9. Notwithstanding the apparent lack of justification for the proposed changes, his delegation was willing to join in any consensus on the draft resolutions.

10. **The Chairman** recalled that a corrigendum to the draft resolution (A/AC.109/2006/L.13/Corr.1) had been issued indicating that the word "non-representation" was to be replaced by the word "underrepresentation", to correct a technical error. While the points raised by the representative of the Islamic Republic of Iran were valid, he did not consider that the proposed revisions violated the intent of the draft resolution. Given that the United Nations was a consensus organization whose bodies, accordingly, conducted much of their work through negotiations, particularly in seeking to refine the language of resolutions in the interests of all concerned, it stood to reason that a draft resolution might undergo many changes as it took shape, the end version often differing greatly from the original.

11. **Mr. Aisi** (Papua New Guinea), endorsing the statement made by the Chairman, said that better reporting by the administering Power would have helped to avoid misunderstandings and the need for lengthy negotiations. Both France and other administering Powers should bear that in mind when submitting future reports.

12. **The Chairman** said that Article 73 *e* of the Charter of the United Nations should not be read in isolation but in conjunction with Article 73 *b*, which placed the onus on the administering Power to assist in the political evolution and advancement of its Territory or Territories.

13. *Draft resolution A/AC.109/2006/L.13, as orally revised, was adopted.*

**Question of Tokelau** (A/AC.109/2006/10, A/AC.109/2006/L.15)

*Hearing of representatives of the Non-Self-Governing Territory*

14. *At the invitation of the Chairman, Mr. Kolouei O'Brien (Ulu-o-Tokelau), and Mr. Walter (Administrator of Tokelau) took places at the Committee table.*

15. **The Chairman** commended the work of the Electoral Assistance Division and the United Nations Development Programme (UNDP) in helping Tokelau to prepare for and conduct its historic referendum on self-determination in February 2006.

16. The consistent cooperation between the Government of New Zealand and the Special Committee through the exchange of information and dialogue on the political evolution of Tokelau bore testimony to the commitment of the administering Power to the self-determination of the Territory, and had heightened the awareness of the Special Committee of the challenges faced by Tokelau as it proceeded towards self-determination.

17. New Zealand, in exercising its responsibilities under the Charter of the United Nations in respect of a Territory under its administration, was a model that other administering Powers should emulate. The Special Committee was all too familiar with the difficulties of assessing situations in other Territories where administering Powers either did not cooperate, or cooperated on an inconsistent basis. If the other administering Powers were to follow New Zealand's example, the United Nations would be much further forward in implementing its decolonization mandate.

18. The relevant bodies of the United Nations system stood ready to lend continued assistance to Tokelau, and the Special Committee would continue to maintain close communication with the administering Power and the Government of Tokelau in the years ahead.

19. **Mr. Kolouei O'Brien** (Ulu-o-Tokelau), titular head of the Territory, said that while he and many others had been surprised by the outcome of the referendum on self-determination, and related draft constitution and draft treaty of free association, which had not produced the two-thirds majority needed for a change in status, as Ulu-o-Tokelau, he respected the voice of the people. Both he and the Council of Ongoing Government of Tokelau would continue to serve their small nation to the best of their ability. The General Fono would continue to have authority to deal with matters at the national level, and the Council of Elders at the village level. Through an Administrator, New Zealand would continue to have overall responsibility for the administration of the executive Government of Tokelau, and would continue to work with Tokelau to strengthen the Territory's self-government with a view to eventual decolonization by means of a future vote.

20. Since the referendum, Tokelau and each of its villages had reviewed and reflected on the vote. He had personally met with the Council of Elders of each village, and had also visited New Zealand to brief the Tokelauan communities and senior officials of the New Zealand Government. The General Fono, having discussed the referendum result at two meetings, had decided to continue on the path to full self-government in free association with New Zealand, and to meet in August 2006 to agree on a new time frame for holding a second referendum. He therefore appealed to the Committee to be patient with Tokelau's considered and gradual approach.

21. The relationship between Tokelau and New Zealand remained strong, and cooperation continued as usual. The two nations were currently preparing to negotiate the terms of the budget for the period 2007-2009, to which end Tokelau had reviewed the July 2004 devolution of public services to the villages and agreed on improvements with respect to consolidation, coordination and communications.

22. The Territory would also review and continue to focus on health, education, village development and the need for improved communications. In the latter, shipping would play a key role, having always been vital for Tokelau's communication and transportation links with the outside world, particularly since Tokelau had no form of air transportation. The development of information and communications technology provided Tokelau with opportunities to develop its internal and international communication and transportation links, thus helping to strengthen self-government and improve education, health and other services.

23. Tokelau hoped that the guidance and support of the United Nations and the Special Committee would not waver as Tokelau progressed towards self-determination.

24. **Mr. Walter** (Administrator of Tokelau) said that, at the request of the Council on Ongoing Government, New Zealand had agreed to keep the draft constitution and the draft treat of free association on the table. New Zealand would continue to encourage Tokelau in its efforts towards self-government and to respect the right of Tokelau to determine the direction and pace of political change. It intended to work closely with the Committee in that regard.

25. He welcomed the consideration given by the Committee to Tokelau over the past year, notably the strong support during the referendum.

26. *Mr. Kolouei O'Brien (Ulu-o-Tokelau) and Mr. Walter (Administrator of Tokelau) withdrew.*

*Draft resolution A/AC.109/2006/L.15*

27. *Draft resolution A/AC.109/2006/L.15 was adopted.*

**Report of the Special Committee**
(A/AC.109/2006/CRP.2)

28. **The Chairman**, introducing the draft report of the Special Committee (A/AC.109/2006/CRP.2), recalled that the Committee had, on 16 June 2006, adopted its enabling resolution A/AC.109/2006/L.10 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for the attainment of self-government by the end of 2010.

29. In the interest of using innovative measures to meet the 2010 deadline, the provision of an independent expert to analyse the processes of self-determination in the small Territories and the implementation of decolonization was an important element of the Plan of Implementation referred in the resolution. While independent experts, who normally served for three to six years, were often relied upon by bodies of the United Nations for their expertise, they were not part of the Secretariat, but served in their personal capacity. There was no conflict between their research and the work of the Secretariat. They undertook specific tasks and presented their findings to the body with which they were associated. Under the special procedures mechanism of the Commission on Human Rights, such appointments had no programme budget implications.

30. Paragraph 14 had been added to the report to reflect the draft decision to appoint Mr. Corbin as an independent expert to the Committee for three years. Mr. Corbin had served the Committee in the field of decolonization for over two decades, most recently as a United Nations Development Programme independent expert to the Special Mission to Bermuda in 2005 and to the Special Mission to the Turks and Caicos Islands in 2006. He would concentrate on the Caribbean and Pacific regions.

31. The guidelines for the participation of representatives of Non-Self-Governing Territories in the work of the Special Committee had been updated, as reflected in paragraph 15 of the draft report. It was recommended to extend to selected regional experts reimbursement by the United Nations of the expenses related to their participation, and subject to available resources.

32. **Mr. Sitnikov** (Russian Federation) said that, while his delegation was in favour of the appointment of Mr. Corbin, it could not, given current budget difficulties, support the proposed changes to paragraph 15.

33. **Mr. Okio** (Congo) said that, since there were no programme budget implications, his delegation supported the appointment of Mr. Corbin, and would have no objection to expanding the circle of experts in the future.

34. **Mr. Gregoire** (Dominica), said that, since there were no programme budget implications, his delegation also supported the appointment of Mr. Corbin.

35. **Ms. Hughes-Ferrari** (Saint Vincent and the Grenadines) said that, she, too, supported the appointment, there being no programme budget implications, but wondered whether, as a representative of the elected Government of the Non-Self-Governing Territory of the United States Virgin Islands, he could be independent with regard to his work for the Committee.

36. **Mr. Ahmad** (Syrian Arab Republic) said that, in the absence of programme budget implications, his delegation was in favour of the appointment.

37. **Mr. Aisi** (Papua New Guinea) said that, since there were no budgetary implications, his delegation supported the appointment of Mr. Corbin, and agreed with the representative of the Congo that, in the interest of meeting the 2010 deadline, a panel of experts should be considered.

38. **Mr. Maleki** (Islamic Republic of Iran) said that, while his delegation acknowledged the expertise of Mr. Corbin, it agreed with the representative of Saint Vincent and the Grenadines that his independence should be assured. He wondered about the procedures for the appointment and the position of independent experts in the United Nations system and suggested that the matter should be taken up in the Fifth Committee. Since his Government had not received notification of the proposed appointment in time to give it due consideration, it was not in a position to support it.

39. **The Chairman** said that he regretted that members had not received the amendment to the draft report proposing the appointment of an independent expert in good time. Mr. Corbin would be an independent expert and would therefore not be connected in any way with the Government of the United States Virgin Islands. The appointment of special rapporteurs and independent experts was not unusual in the United Nations system. Such rapporteurs and experts served in their personal capacity and were not paid for their work. As set forth in new paragraph 15 of the Committee's draft report, the reimbursement of the expenses of independent experts was based on the availability of resources.

40. **Mr. Sitnikov** (Russian Federation) said that although his delegation was broadly in favour of the draft report, it had not received the amended text until very late. The programme budget implications of the decision contained in the draft report must be taken up in the Fifth Committee, in view of which he could not support it at the current stage.

41. **Ms. Toledano** (Cuba) said that her delegation had wished to support the Committee's draft report, and was very pleased at the proposed appointment of Mr. Corbin as an independent expert, which would certainly help the work of the Committee. However, the Committee should agree on the duration of his appointment, as it was not clearly set out in paragraph 14 of the draft report.

42. She also wondered what the Fifth Committee's view would be of the programme budget implications of the draft report, should it be adopted, even though the Chairman had stated that it had none.

43. **The Chairman** said that the duration of Mr. Corbin's appointment would be three years.

44. **Mr. Cherniavsky** (Secretary of the Committee) said that in view of the scope of the activities to be undertaken by the independent expert, and in accordance with the rules of procedure, as well as the resolutions on gratis personnel adopted by the General Assembly, the draft decision had been submitted to the Office of Programme Planning, Budget and Accounts in connection with possible budgetary and programmatic implications.

45. Should the draft decision have programme budget implications, the Special Committee would be so informed following consideration by the Fifth Committee.

46. **Mr. Maleki** (Islamic Republic of Iran) said that according to the explanatory note on the draft decision, independent experts rendered their services on a part-time basis. Moreover, since they were not paid, he wondered how they were expected to carry out their work. The Committee should be realistic.

47. **The Chairman** said that the independent expert would function as a consultant, and would be funded from private resources.

48. **Ms. Hughes-Ferrari** (Saint Vincent and the Grenadines) said that she had also received the amendment containing the draft decision very late and had not been able to send it to her capital. Since there were clearly some unresolved issues concerning the draft decision contained in paragraph 14 of the draft report, she proposed that the Committee should defer consideration of that paragraph, and also consider amending paragraph 15.

49. **Mr. Sitnikov** (Russian Federation) said that the Special Committee clearly needed time to consider the issues raised and also needed input from the Fifth Committee. He supported the proposal of the representative of Saint Vincent and the Grenadines to defer consideration of the draft report.

50. **Mr. Maleki** (Islamic Republic of Iran) said that his delegation also supported the proposal of Saint Vincent and the Grenadines.

51. **The Chairman** said the Special Committee would defer a decision on the draft report pending receipt of the views of the Fifth Committee.

52. **The Chairman** said he took it that in order to facilitate the timely submission of the report of the Special Committee to the General Assembly at its the

sixty-first session, the rapporteur of the Committee should be authorized to submit the report directly to the Assembly.

53. *It was so decided.*

**Statement by the Chairman**

54. **The Chairman** said that although the Special Committee had made significant progress at its current resumed session, a certain degree of innovation would be required to resolve other remaining issues, which were in stalemate. It was often said that extraordinary circumstances required extraordinary remedies. However, some remedies that were available to the Committee might not be as extraordinary as they might appear at first glance.

55. Considerable progress had been made in increasing the flexibility of the Special Committee's work, notably the shift from the limited concept of the "visiting mission" to the more interactive concept of the "special mission", which allowed the Committee to engage with people about their concerns.

56. The Committee had also placed equal weight on adherence to Article 73 *b* of the Charter of the United Nations, on the promotion of self-government in the Territories, and Article 73 *e*, which merely called for the transmission of information. However, unless the Committee received formal cooperation from certain administering Powers, the Committee must draw its own conclusions.

57. The Committee had reiterated the current relevance of the options available for achieving political equality, namely, independence, free association and integration, and had marvelled at the position of one administering Power that it no longer offered two of those three options to the Territories under its administration. It had also integrated new information and strategies into its resolutions, introduced the method of providing explanatory notes to explain new and updated language, and introduced the method of delivering summaries and elaborations following key debates.

58. In its resolutions the Committee had continued to reaffirm the linkage between decolonization and the international human rights conventions, and had called for collaboration with other United Nations bodies. Such linkages could inform the Committee further on the work of other United Nations bodies. However, the Committee on the Elimination of Racial Discrimination continued to be critical, in its annual report, of the lack of relevant information from the Special Committee, which should therefore ensure that it responded appropriately to such requests for information in future.

59. The Committee had identified, in its resolutions, the nuances of the power imbalance between the Territories and the administering Powers, and had heard the call by the people of the Territories for the systematic devolution of administrative authority. It had also reiterated its long-standing request for substantive reports on the implementation of decolonization resolutions, and reflected new developments taking place in the small island Territories. It was just as important that the Committee's resolutions should reflect the position of the people as it was that they should reflect that of the administering Powers.

60. The Committee had asked the Department of Public Information to intensify its efforts to bridge the gap between the availability of information and its actual dissemination to the peoples for whom it was intended, and had also asked for enhanced information on decolonization to be provided on the United Nations web site. The Committee's resolutions had once again called on the United Nations specialized agencies to include many of the Non-Self-Governing Territories in their work, and had reflected the persistent interest of the Territories in such an approach.

61. The Committee's enabling resolution on the International Decade for the Eradication of Colonialism reflected the importance of implementing the decolonization mandate. The activities called for in the Plan of Action for the First and Second International Decades remained critical to improving the Organization's chances of successfully completing the decolonization process in the Territories by 2010.

62. In that regard, the initiation of case-by-case analysis of each Territory was critical. However, it was clear that such a comprehensive approach could not, in its current form, succeed for those Territories whose administering Powers would not — for reasons of their own — formally cooperate with the Committee. Consideration should therefore be given to reordering the 10 points of the Committee's case-by-case approach, so that analysis of the Territories' political and constitutional status could be undertaken before the administering Powers were consulted.

63. The Committee had also recognized the importance of the Plan of Implementation of the Decolonization Mandate 2006-2007 (A/60/853-E/2006/75), which extensively examined the actions called for by the General Assembly and the Economic and Social Council. The Plan examined — for the first time since the Committee's establishment — the role that various United Nations bodies had been asked to play in the development of the Territories. It also revealed where independent expertise could be utilized to provide critical and comprehensive analysis of the situation on the ground in the small Territories.

64. Although 16 listed Territories remained, the Committee could undertake only one or two missions per year, and only after the relevant administering Power had given its approval. As set forth in the Plan of Implementation, innovative means were therefore necessary to ensure that the Committee received the relevant information and analysis to inform its decisions. Defining the role played by United Nations agencies in facilitating the participation of the Territories remained a fundamental challenge. However, the Plan of Implementation provided a blueprint for future action.

65. The items over which there appeared to be a stalemate included the questions of the Territories that were the subject of sovereignty disputes. The Committee would continue to hear the positions of both sides during its annual consideration of those questions as long as they remained on its agenda. However, the Committee might wish to seek a legal opinion on the issue while reaffirming its continued responsibility under the Charter of the United Nations to review the decolonization process in all Territories under its purview.

66. There appeared to be overwhelming support among the various political parties and other stakeholders involved for the General Assembly to take up the question of the self-determination of Puerto Rico. Other parties had called for Puerto Rico to be restored to the Assembly's list of Non-Self-Governing Territories. Although the authority to take such a step rested with the Assembly, not with the Committee, it was important to recognize that the people of Puerto Rico looked to the Committee for solutions.

67. He had received communications on a variety of issues that lay outside the Committee's mandate, including the potential re-listing of French Polynesia, environmental and human rights disputes in New Caledonia, and the possibility of seeking an Advisory Opinion of the International Court of Justice concerning the Territory formerly known as Netherlands New Guinea. With regard to the latter, the General Assembly, not the Committee, must decide whether the Committee was competent to assess new territorial forms. However, the Committee must recognize that many in the international community saw the Committee as the focal point of all United Nations self-determination and decolonization issues.

68. The challenges in addressing those issues remained formidable, and the Committee could therefore no longer be content to pass resolutions without any regard for their implementation. It must become proactive in its approach, focusing not only on the language of the resolution but also on monitoring the implementation of the actions that the Committee had recommended to the General Assembly. The United Nations must stand together with the remaining Non-Self-Governing Territories, whose right to self-determination was as important as it had been to the Territories that had already achieved that status.

69. **Mr. Maleki** (Islamic Republic of Iran) said that his delegation would have preferred to be informed earlier about the various communications to which the Chairman had referred.

**Organization of work**

70. **The Chairman** said that in view of the Security Council's recent assessment of the current political situation in Timor-Leste, it would not be possible to hold the 2006 Pacific regional seminar there in the near term. However, it was extremely important to retain the regional nature of the seminar. He had held informal discussions with two Member States regarding the possibility of holding the seminar in their countries in early August 2006, and other Member States had also indicated an interest in doing so. He was also open to other possibilities.

71. In view of the many administrative preparations that must be made for the seminar, a decision should be taken on the venue before the end of June 2006. The Special Committee should act as a matter of urgency to ensure that the people of the Pacific Island Territories were given an opportunity every two years to present their views to the Special Committee, as well as to interact with their colleagues and with representatives of Member States.

*The meeting rose at 12.05 p.m.*